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CENTER FOR
THE STUDY OF
FOREIGN AFFAIRS

PERSPECTIVES ON NEGOTIATION

FOUR CASE STUDIES AND INTERPRETATIONS

- The Panama Canal Treaties
- The Falkland/Malvinas Islands
- The Cyprus Dispute
- Negotiating Zimbabwe's Independence

FOREIGN SERVICE INSTITUTE
U.S. DEPARTMENT OF STATE

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Edited by
Diane B. Bendahmane
and John W. McDonald, Jr.

1986

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To Ellsworth Bunker

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FOREWORD

Stephen Low

The Center for the Study of Foreign Affairs of the Foreign Service Institute is proud to publish *Perspectives on Negotiation*, a volume in which a number of specialists offer their interpretations of four key international negotiations: the Panama Canal Treaty, independence for Zimbabwe, and the failed attempts to resolve the Cyprus and Falklands disputes. Based on symposia held at the Center, the book epitomizes the Center's goal: to bring together practitioners and academicians to examine foreign policy issues.

Many of the senior U.S. government officials who were involved in the actual negotiating or who played key roles or had first-hand knowledge of what went on participated in each of these symposia. The interpretations were written by experts on negotiation (some from academia, some with backgrounds in organizations devoted to conflict resolution) who met regularly while the symposia were being held and examined the issues raised, often challenging "official interpretations" of events.

Perspectives on Negotiation offers some principles that those involved in international negotiation and diplomacy will wish to consider—principles that achieve credibility because they are grounded on experience. Our hope is that the discussions here will contribute to what is a heartening new interest in negotiation.

Since its establishment in late 1982, the Center for the Study of Foreign Affairs has held more than 50 symposia featuring Foreign Service officers, State Department officials, academicians, and individuals from the private sector. Negotiation is one of the key topics these symposia address. Others are U.S. bilateral relations, issues related to science and technology and foreign affairs, and international economics. The Center operates as part of the Foreign Service Institute, providing a facility

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Ambassador Low is Director of the Foreign Service Institute.

for U.S. government employees to reflect on their foreign affairs experience and to work with research projects.

Plans are to continue the general approach used in this volume in a second round of case studies focusing this time on U.S. base negotiations. The new round will build on what has already been accomplished and seek to refine the principles—however tentative they may be—that have been put forward in this volume.

PREFACE

John W. McDonald, Jr.

The rather unusual approach used in putting together this volume needs some explanation. Basically, the book is the result of a number of symposia and workshops held at the State Department's Center for the Study of Foreign Affairs over a ten-month period during 1984.

The symposia, each lasting a day, covered four different negotiations and attempted to examine as closely as possible what took place and why things turned out as they did. The speakers and panelists at these symposia were by and large practitioners telling their own stories, for most had been actively involved in the negotiation under discussion. In addition, some academics who had studied the negotiations in depth were also included. These meetings were an effort to bring academics and practitioners closer together so that they could better understand each other's point of view. The symposia, attended by members of the Washington foreign affairs community, all featured question and answer periods and lively give and take.

Two of the symposia were on completed negotiations:

- The Panama Canal Treaty, held on March 22, 1984.
- Negotiating Zimbabwe's Independence, held on November 30, 1984.

And two dealt with ongoing negotiations:

- Mediation Attempts in the Falkland/Malvinas Islands Crisis, held on June 21, 1984.
- Efforts to Resolve the Cyprus Dispute, held on September 12, 1984.

Symposia speakers were asked to follow a framework for examining negotiations (see Appendix III) that I developed. While no attempt was made to gloss over the complexity of the

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Ambassador McDonald, the Coordinator for Multilateral Affairs at the Center for the Study of Foreign Affairs, organized the symposia and workshops used in this book.

negotiations or to settle on simplistic explanations of their outcome, we tried to formulate principles and to see what could be learned from experience.

The proceedings (abridged and without the question and answer periods) of the four case-study symposia are included in this volume as Part One. Each starts with an introduction to set the scene and to put the negotiation in its wider international context, and each lists on one page the key events of the negotiation or crisis. (There is also a short bibliography on each negotiation in Appendix II).

A few days after each of these symposia, a group of specialists, who had lectured and written about and taught negotiation and conflict resolution, met to analyze what had been said at the symposia. Group members were selected by the Center for their wide and varied experience in or knowledge of conflict resolution. Their role was to follow each of the case-study symposia closely and to see what could be learned. Because they had not been personally involved in the negotiations discussed, the members of the workshop were able to be objective and to interpret events in a fresh way.

The members of the workshop are listed here; biographical information about them may be found in Appendix I.

John W. Burton, University of Maryland

Thomas R. Colosi, American Arbitration Association

Jerome Delli Priscoli, U.S. Corps of Engineers

Daniel Druckman, Booz Allen and Hamilton, Inc.

Mark A. Epstein, Scholar in Residence, Center for the Study of Foreign Affairs

Michael J. Flack, University of Pittsburgh

Lloyd Jensen, Temple University

Stephen Low, Director, Foreign Service Institute

John W. McDonald, Jr., Center for the Study of Foreign Affairs

Leo J. Moser, Center for the Study of Foreign Affairs

Hilliard Roderick, formerly of the OECD

Bryant Wedge, George Mason University

I. William Zartman, School of Advanced International Studies, Johns Hopkins University

Diane B. Bendahmane, Editorial Consultant

After the four case-study symposia had been held, the workshop members met three more times to draw out some general principles from the cases examined and to develop their own points of view in light of the case studies.

Part Two of this volume presents the key findings of the workshop sessions. First, three workshop members present their personal interpretations of the case studies. The three hold divergent points of view and come from different backgrounds. John W. Burton is currently involved in track two or the informal approach to negotiation and brings what he has learned about that to his interpretation of the cases; I. William Zartman, as a prolific writer on the subject of international negotiation, has developed his own framework and principles which he tests out here; and Thomas R. Colosi identifies elements that are common to all kinds of negotiation and arbitration, from local school disputes to international treaty negotiations.

Following those three pieces is a slightly longer piece by Daniel Druckman that attempts to synthesize what the workshop members were able to conclude—albeit tentatively—about the principles of negotiation. Naturally, the members of the workshop did not agree completely on the principles, but there was consensus at least on what the key issues were.

This is the third book on negotiation published by the Center for the Study of Foreign Affairs. The first, *How to Be a Delegate,* is a practical guide for newcomers to diplomacy; the second, *International Negotiation: Art and Science,* is a collection of essays that focus on what can be taught about negotiation. This collection of case studies and interpretations should be useful as a teaching tool also.

The Center's purpose in its program of symposia and publication on international negotiations is to make a concerted attempt to help practitioners and scholars pass on what they have learned so that the training of negotiators and diplomats of the future will not be left to chance.

PART ONE: THE FOUR CASE STUDIES

CHAPTER I

THE PANAMA CANAL TREATY

1. INTRODUCTION

(William J. Jorden)

Like the Treaty of Versailles, the Hay-Bunau Varilla Treaty of 1903 contained the seeds of its own undoing. At the time it was signed, and for the next 74 years, it was wonderfully advantageous to the United States. It gave us the right to build the Panama Canal. And to facilitate that impressive engineering feat, it gave Washington the rights of sovereignty over a strip of territory ten miles wide along the canal route in the heart of the Panamanian Republic. Moreover, the rights ceded to the United States were to last forever. A diplomatic coup if ever there was one.

What Panama got was Washington's guarantee to recognize and protect its independence, something the small nation had sought from its Colombian overlords for 75 years. But in most other respects, the treaty was less than a good bargain for Panama—as Secretary of State Hay freely admitted at the time. Protests against unilateral U.S. actions and treaty interpretations became a regular feature of diplomatic exchanges between Washington and Panama City beginning in 1904.

There were well-intentioned but trivial revisions of the treaty in 1936 and 1955, mainly to give Panama somewhat larger economic benefits from canal operations. But no serious effort was made to meet head-on and correct what Panama saw as the intolerable features of the original agreement. Panama had three principal goals: to replace the 1903 treaty with a new pact; to eliminate any suggestion of U.S. jurisdiction over Pana-

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Ambassador Jorden is a writer and retired diplomat. He served as Ambassador to Panama from 1974 to 1978. He recently published *Panama Odyssey* (Austin, TX: University of Texas Press, 1984).

manian territory and people; and to avoid any suggestion of "perpetuity" in a new treaty.

The long-festering differences between the United States and Panama moved abruptly to center stage with the outbreak of violent anti-American rioting in Panama City in January 1964. More than twenty Panamanians were killed as well as four U.S. servicemen. Hundreds were injured. After the break in diplomatic relations was healed, President Lyndon Johnson committed the United States to work out a new treaty.

Negotiations commenced in 1965 and produced three treaties (one on the canal, one on defense, and a third on a possible new canal) in 1967. But for a variety of internal political reasons, the pacts were never submitted to the legislatures of the two countries. Talks resumed in 1971 but they sputtered to an inconclusive end in 1972. Serious negotiations revived in 1973 with the appointment of the late Ellsworth Bunker as the chief U.S. negotiator. A major advance was made with agreement on eight basic principles to govern a treaty (the Tack-Kissinger Principles) in 1974. The talks then fluctuated between significant advances and near stagnation until the end of 1976.

President Carter's first foreign policy decision was to give solution of the "Panama problem" the administration's highest priority. Sol Linowitz was picked to join Bunker as co-negotiator. Intensive work produced two agreements, the Panama Canal Treaty and the so-called Neutrality Treaty, in September 1977. After lengthy, often rancorous, debate in the Senate, the treaties were approved in the spring of 1978.

The main players in the treaty drama were Bunker and Linowitz on the U.S. side and their Panamanian counterparts, Romulo Escobar Bethancourt and Aristides Royo (later Panama's president). All but Bunker were lawyers. Despite the skill and dedication of the negotiators, their work would have come to naught without the steady encouragement and unflagging support of the national leaders, President Carter in Washington and General Omar Torrijos Herrera in Panama. Also, because of the central role of the Senate in treaty approval, the Panama treaties would never have materialized without the leadership and political courage of Senators Robert Byrd (D.-W.Va.) and Howard Baker (R.-Tenn.), majority and minority leaders respectively in the upper house.

Though primarily a bilateral issue, the struggle for new Panama treaties involved other interested parties. Political leaders in Colombia, Costa Rica, Mexico, and Venezuela were advisers and supporters of Panama's cause. But they also served as useful sounding boards for the United States. More than once they intervened as counselors of patience and reason with the volatile Torrijos. The Organization of American States and the United Nations provided quiet encouragement for a settlement. Naturally, all users of the waterway followed the proceedings with close attention.

The Panama treaties have been in effect for more than five years. The canal has remained open and available to all—a central goal of the treaties—and under joint operation has worked efficiently. If the treaties had not been negotiated—or had been rejected by the Senate—what almost certainly would have happened in Panama would have made current events in neighboring Central America look like a Sunday school picnic. The Panama treaties are a prime example of what foresight, wisdom, imagination, and courage can do to defuse bitterness and replace antagonism with partnership.

2. THE HISTORICAL SETTING

The 1903 Treaty and Its Effects *(Margaret E. Scranton)*

At the turn of the century, the United States, as it looked forward to becoming a greater power, decided to construct an inter-oceanic canal. There were two major possible sites for such a passage between the seas: one across Nicaragua and one across the part of Colombia which is now Panama.

The French had tried to build a canal in Panama, but it was a financial failure. The United States had the choice of picking up the French operation or starting a different operation in Nicaragua. President Theodore Roosevelt thought he had worked out a deal with the Colombians to permit the United States to take over the canal-building effort in Panama, but the Colombian Congress rejected the proposed treaty as much too generous to the United States and of far too little benefit to their country.

Dr. Scranton is Associate Professor of Political Science at the University of Arkansas at Little Rock. She co-authored, along with William L. Furlong, *The Dynamics of Foreign Policy-Making: The President, Congress and the 1977 Panama Canal Treaties* (Boulder, CO: Westview, 1984).

The Panamanians, who had been trying energetically to break free from Colombian rule for half a century and more, saw in those events a chance to reach their long sought goal. With American backing, they declared their independence. Then their diplomatic representative, a Frenchman named Bunau Varilla (a major stockholder in the French canal company), worked out and signed a treaty with Secretary of State John Hay. The Hay-Bunau Varilla Treaty of 1903 gave the United States the right to construct a canal in Panama.

Those interested in the theory and practice of negotiations have to look long and hard to find a better example of how a strong power can impose its will on a weak diplomatic adversary. Even the secretary of state was forced to admit that the Hay-Bunau Varilla Treaty was greatly advantageous to the United States and "we must confess . . . not so advantageous to Panama." For weak nations it was a good example of how not to deal with a great power.

When the treaty went to the U.S. Senate for approval, one member of the upper house was moved to comment that it sounded "very much as if we wrote it ourselves." He was quite right. It was largely an American product, strengthened in a few key sections to the advantage of the United States by the French envoy who did better for us and his homeland than for Panama. The government of the newly born country reluctantly accepted the onerous pact only when its diplomatic representative warned (falsely) that failure to do so would mean withdrawal of U.S. backing for Panama's independence. It was the one price the small country felt it could never pay. For the next sixty years, Panama chafed under the terms of the one-side arrangements but lived up to its requirements.

Three aspects of this treaty were galling to the Panamanians from the outset. The first was unilateral control. The United States wanted this inter-oceanic canal to be a commercial asset for all nations; however, because the canal would also have strategic military value, the United States felt it had to have unilateral control. According to the treaty, the United States alone would operate, administer, and defend the canal. Another galling aspect was sovereignty. The Hay-Bunau Treaty gave the United States sweeping rights, as if it were sovereign, in a ten-mile wide strip of territory across the middle of Panama—the strip that came to be known as the Canal Zone. Finally, the notion of perpetuity became a point of some contention between the United States and Panama. The 1903 treaty had no termination date. It would extend in perpetuity.

The Panama Canal Treaties

Key Dates

1903	Hay-Bunau Varilla Treaty gives the United States the right to construct a canal in Panama.
1904	Riots in Panama over flying of the U.S. flag side-by-side with the Panamanian flag in the Canal Zone.
1964-67	Treaty negotiations produce three treaties that are subsequently rejected in both the United States and Panama.
1968	Omar Torrijos leads a military coup to depose Panamanian President Arnulfo Arias and becomes the virtual dictator of Panama.
1970-72	Second round of negotiations fails to produce a treaty.
1973-76	Ellsworth Bunker is appointed Chief Treaty Negotiator and the Contadora negotiations go forward.
1974	U.S. Secretary of State Henry A. Kissinger and Panamanian Foreign Minister Antonio Tact sign the eight principles that provided a blueprint for the eventual treaties.
1976	Jimmy Carter is elected President and gives high priority to concluding a new treaty for the Panama Canal.
1977	Final negotiations begin in February. In September the two treaties (the Panama Canal Treaty and the Neutrality Treaty) are signed by the two parties.
1978	U.S. Senate ratifies the two treaties.
1979	U.S. Public-Law 96-70 (The Panama Canal Act of 1979) is passed by the U.S. House of Representatives.

The important thing to note about these grievances is what they represented in Panama's view of the 1903 treaty. The Panamanians felt that they had been robbed. Over the years, in their history and popular culture, they acquired a strong sense that their national dignity had been wronged.

The United States did not even begin to deal with the three major issues until the Eisenhower Administration. There had been several renegotiations of the 1903 treaty that dealt with Panamanian grievances arising over their interpretation of the 1903 treaty versus ours.

Between 1903 and 1955 the U.S. sphere of action was increasingly circumscribed, particularly outside the Canal Zone, and Panama's grievances were redressed to some extent, but all within the notion of unilateral control. Little had been done to get at the root causes of what Panamanians considered offenses to their pride.

The 1964 Riots *(William J. Jorden)*

Everyone is familiar with the 1964 flag riots in which there were demonstrations, counter-demonstrations, deaths and injuries over the flying of the U.S. flag and the Panamanian flag side by side in the Canal Zone. The flags issue, however, was not new in 1964; it was an older issue. In 1958 and 1959, there had been demonstrations. There was even a big parade called "Operation Sovereignty." These demonstrations were a deliberate strategy to supplement the written request, "Let us renegotiate the 1903 treaty." In fact, Operation Sovereignty was a very peaceful demonstration. Panamanians walked with their flags into the Zone, planted them in the ground and walked out. The response of the Canal Zone authorities was to collect the flags and then return them. Back then the United States took the position that it could not effectively respond to Panama's grievances on the sovereignty question. By 1960, however, the Eisenhower administration inaugurated a new flag policy designed to make a symbolic gesture toward Panamanian sovereignty: two flags would be flown at one site. By 1963, a joint commission was working up a list of sites at which the flags of the two nations would be flown together. They also agreed that the U.S. flag would not be flown by itself in public places, including the Zone schools.

In defiance of the agreement, students at Balboa High School in the Zone raised the U.S. flag in front of the school. Two days later, on January 9, 1964, a group of Panamanian high school students approached the U.S. school and demanded that their flag be flown as well. A noisy group of American students—and parents—shouted down the Panamanians with jeers and insults, and the Zone police, to avoid further trouble, forced the Panamanian youths to abandon their pilgrimage and leave the Zone. That set off violent demonstrations and rioting in Panama City and Colon. Within 48 hours more than twenty Panamanians had been killed and three U.S. soldiers had died. Diplomatic relations were severed and were restored only after three months of bitter wrangling. By the end of the year, President Lyndon B. Johnson had agreed that what was needed was not another patchwork accommodation but an entirely new treaty to replace that of 1903.

Reestablishing Diplomatic Ties *(Ellsworth Bunker)*

After U.S. relations with Panama were broken in 1964, the Organization of American States (OAS) convened what they called a peace committee to try to resolve the differences, restore relations, and get negotiations started again. At that time, I was U.S. representative to the OAS. We ran into the problems one runs into in large committees. I do not know how many resolutions were proposed by the peace committee, of which I happened to be a member. Certainly a dozen or more, none of which was acceptable to one side or the other. Some were acceptable to us; some were acceptable to the Panamanians. None was universally accepted.

So I said then to Miguel Moreno, the Panamanian representative, "I think you and I will have to get away from this group exercise and see if we can work something out." So we took a rather unconventional approach. We went over to the 1925 F Street Club, and between lunches and dinners worked out an agreement which was acceptable to both sides. The agreement resulted in restoring relations and beginning the treaty process again. One has to resort sometimes to rather unconventional methods in the practice of negotiations and diplomacy.

The Search for New Treaties: 1964–1967
(William J. Jorden)

Both sides clearly wanted an agreement when the talks began in 1964. A new arrangement with the United States had been a primary objective of Panamanian foreign policy for sixty

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Ambassador Bunker served as Chief Negotiator for a new Panama Canal Treaty from 1973 until 1977, when the treaties were signed. This successful negotiation was the culmination of a distinguished diplomatic career for Bunker. From 1964–1966 he was U.S. Representative to the Organization of American States (OAS). He played a major role in resolving the 1964 dispute between the United States and Panama.

years. As for the Johnson Administration, the bloody outburst of January 1964 had finally convinced the President and most of his close advisers that new rules of the game had to be written for the Panama Canal. With both sides persuaded that the Treaty of 1903 was no longer appropriate, new treaties became not merely desirable but necessary.

The 1964–67 period of negotiation produced three treaties: a treaty that would deal with administration, maintenance, and operation of the Canal; a treaty on defense; and a treaty for a new sea-level canal to replace the old waterway. These negotiations were carried on by Texas businessman, Ambassador Robert Anderson, President Johnson's handpicked chief negotiator.

Unfortunately these treaties came to naught. They were rejected in both countries. In the United States one reason was a leak to the press in Chicago that caused a furor in the U.S. Senate. The main reason, however, was that President Johnson was not planning to push those treaties very hard until they had been approved by Panama. He did not want to repeat the mistake that Theodore Roosevelt had made with the Colombians early in the century when he thought we had an agreement and suddenly we did not. Johnson was going to wait until the Panamanian Congress had approved the treaties before he presented them to the Senate.

Panamanian President Marco Robles, who had enthusiastically pushed for a new treaty in 1964, had cooled considerably by the closing months of 1967. The country was in the early stages of a campaign to elect a new president (in May 1968) and Robles's chosen successor was in deep trouble—mainly because of the widespread charges of corruption levelled against Robles and his administration. Also, the President's Party had lost control of the Assembly and the opposition leader (Arnulfo Arias, who was running for the presidency) had threatened to oppose and defeat the treaties. Rather than give Arias and his Panamenistas ammunition for the coming campaign, Robles decided not to introduce the new treaties. Robles's lack of courage and Arias's political selfishness (he said privately he approved the treaties) delayed settlement of the U.S.-Panama problem for ten years. In other words, the treaties of 1967 failed to be ratified, not because one side or the other lost interest in them or because they were unsatisfactory accords; it was a lack of political will and courage that did them in.

The Rise of General Torrijos *(William J. Jorden)*

The winner of the 1968 election was Arnulfo Arias. He had been president of Panama in 1940 but was thrown out in 1941 by the military forces when he tried to decapitate them. He regained the presidency again in 1949 and was thrown out again by the military. And when he was elected in 1968, neither he nor the rest of the country apparently had learned any lessons from past experience, because he immediately began to do the same thing that had had him thrown out before. Again the military force reacted to assure its own survival and threw him out.

At that point, the secretary of the general staff, Omar Torrijos (then a colonel), became the dominant figure in the government. Torrijos was very uneasy about the 1967 treaties and did not want to revive them. First of all, he was preoccupied with trying to establish his government. Second, the treaties had been written and negotiated by elements in the society which he distrusted and disliked. Thus, he was not about to approve them. In any case, the 1967 treaties met their final death when the Torrijos government said that they were unacceptable and could not even be considered as a basis for discussion in the future.

Treaty Efforts Revived: 1970–1972 *(William J. Jorden)*

By 1970 Torrijos felt confident enough of his own position in the government in Panama to move forward with treaty negotiations. Panama invited the United States to resume negotiations and those negotiations got under way in the summer of 1971. Perhaps the best way to sum them up is that they were a negotiation without a soul. It wasn't for lack of good people and good negotiators on both sides. What they were really lacking was firm policy decisions on the part of both countries that they wanted to go forward and get a treaty. On our side at least, and perhaps on their side too, the presence of the parties at the negotiations was the result of a bureaucratic compromise. Some people thought we should not be negotiating; others thought we should. The result was that the bureaucracy provided the negotiators with totally unrealistic guidance that made it impossible for the two sides even to get serious with each other.

The kind of vigorous backing both sides' negotiators enjoyed in the middle 1960s was absent when the talks resumed in 1971. In Washington, the negotiator had not changed but the President had. Richard M. Nixon was in the White House, and he had no great liking for Ambassador Anderson. The fact that Eisenhower had nearly picked Anderson to replace Nixon as his Vice Presidential running-mate in 1956 probably had something to do with it. Whatever the reasons, Anderson had lost one of his greatest assets—ready access to the White House. Though almost no one knew it, the U.S. negotiator never once met with the President (or with the President's National Security Advisor, Henry A. Kissinger) in the years 1970–72. The Panamanians did not realize this, but they were repeatedly puzzled during those years at the failure of the U.S. negotiating team to respond to many specific questions or to show the slightest flexibility on key issues.

For their part, the Panamanian representatives faced quite different but no less hobbling circumstances. Omar Torrijos was deliberately balancing left- and right-wing elements in his government. He wanted to justify the "revolutionary" label he had given his regime. But he did not want to alienate the conservative business interests without whom he knew Panama could not prosper. His efforts at "blending" spelled chaos for the negotiating effort.

Panama's negotiators in 1970 were Antonio de la Ossa, a banker who was then ambassador in Washington; Fernando Manfredo, a businessman and leader in the Private Enterprise Council; and Carlos Lopez Guevara, one of the country's most prosperous international lawyers. The foreign minister under whom they operated was Juan Antonio Tack, a left-leaning historian and diplomat. Tack relied heavily on a group of leftist advisers, some of whom were strongly anti-American. In the end, the Panamanian negotiators, who had taken up residence at the Watergate Hotel, had as much trouble as their U.S. counterparts in getting clear instructions from the home government and in responding with any flexibility to initiatives from the other side.

As a consequence, both sides were very unsure of each other's intentions. They had no real feel for what kind of a framework or what kind of result, in the broadest sense, might be possible. Their only real option was to try to concentrate on the details and hope that the major issues would somehow resolve themselves or that enough momentum would get going in the negotiations that the positions of the two governments would define themselves better.

How the Two Sides Negotiated *(Michael G. Kozak)*

The negotiating technique was very traditional: the two parties each exchanged draft treaties. They contained some big blanks on the fundamental issues on which there was no consensus. But full-blown texts were exchanged, and a lot of discussion took place over the details. There was real restraint even in negotiating details, because neither side was particularly anxious to give up very much when they were not sure that there was going to be a treaty or what it was going to look like.

In great contrast to this technique, in 1973, Ambassador Bunker started talking with the Panamanians about general principles that both sides could agree upon as a starting point. Rather than getting bogged down in texts, he negotiated a simple statement of eight points that covered but one page. That same process went on through the entire post–1973 period of negotiation. We worked from the general down to the specific. After the agreement on the basic eight principles, there were more detailed agreements on some of the broader issues, but still not the kind of detail you would get down to in the text of a treaty.

It spite of its failed technique, the 1970–1972 round was not entirely useless. It gave both sides a clearer definition of what the subsidiary issues were that would have to be dealt with in order to get a treaty. Also, a lot of treaty text was actually prepared, and that turned out to be useful later. At the end of the successful 1977 round of negotiations, we all were shameless in stealing language from what had been worked out in 1971 and 1972 on many detailed points.

The Spirit of Contadora *(Ellsworth Bunker)*

After the failure of 1972, Ambassador Anderson resigned and I was selected by the President to become the chief treaty negotiator. I took over in the fall of 1973 and tried to bring a

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Mr. Kozak is Assistant Legal Advisor for Near East and South Asian Affairs in the Department of State. From 1972 to 1973 he was in the Office of the General Counsel of the Panama Canal Company.

totally new approach to this problem that the United States had been struggling with for ten years.

We moved the negotiations to Contadora, a very small island with good fishing, good sailing, good swimming and everything one could want. A major objective in going to Contadora was to get away from the press, and I think it was very effective in that respect. Also, we wanted an atmosphere of relaxation, away from feeling pressured by our governments.

The President of Panama, who was then Demetrio B. Lakas, known as Jimmy the Greek, was a huge individual; he must have weighed 275 pounds and was about six feet three. He was educated in Texas and talked exactly like a Texan. He said to me once, "Hey, I hear you like sailing." I said, "Oh, yes, I'm fond of sailing." He said, "Well, I have a 45-foot ketch, and I'll send it over to Contadora and you can use it." He sent the ketch over with two crew aboard. When we occasionally got out for a sail, I discovered how he had got the boat. They had arrested and put in jail two American drug-runners and kept their boat. So I had the benefit of that during the whole period.

To guide our negotiations with the Panamanians, I developed and explained to our negotiating team some points about negotiation which clearly had been important during previous negotiations, particularly between the Dutch and the Indonesians over West New Guinea.

The most important element, I think, in any negotiation is that of integrity and trust, to nurture the other side's trust in your intentions and your sincerity. Second, putting yourself in the other person's position, seeing what is important to him. Creativity, maximizing one's own elements while allowing the other side to maximize theirs and to find out what is important to them. Recognizing the bounds of the possible. Figuring out what, under the given circumstances, it is possible to expect and realistic to want. Obviously, patience and perseverance are important, and one also must be attuned to political realities. And finally, precision in stating the terms of the treaty. These are principles which the U.S. team adopted in our talks and negotiations with the Panamanians, and, I think, they carried us through eventually to a successful conclusion.

The Eight Principles *(William J. Jorden)*

One issue was absolutely central to the Panamanians. If it were not settled satisfactorily, there would be no treaty. For

Panama, the *sine qua non* was the regaining of sovereignty over all of its territory. Specifically that meant replacing the Treaty of 1903 and especially getting rid of its perpetuity clause, the one that gave the United States the rights of sovereign power forever.

For the United States, the considerations that overshadowed all others were the need to assure the continued safe and efficient operation of the Canal and a guarantee of the U.S. right to protect the Canal against any threat.

If one party believes Issue A is the all-important matter and the other side considers Issue B to be the critical problem, the stage is set for controversy. Failure to agree on what the prime issue is has been the rock on which many negotiations have foundered.

One way to deal with the problem of contrasting priorities is to address them concurrently. Another is to subsume both matters into a broader arrangement. When Ambassador Bunker took over as negotiator in 1973, he and his advisers quickly recognized the problem and used both techniques. Instead of trying to find answers to either problem in isolation, they made them part of a collection of prime issues. Then, instead of seeking language that would fit into a treaty, Bunker convinced the Panamanians to work with him to develop an agreement on principles that would govern such a treaty.

By the end of 1973, Bunker and Tack and their deputies had developed a set of eight principles that was the blueprint for a Panama Canal Treaty. The first principle said that the treaty of 1903 would be abrogated by conclusion of a new treaty. Principle #2 promised the end of "perpetuity" and a new pact that would have "a fixed termination date." Those were the two things Panama wanted most.

The central concerns of the United States were covered in Principle #6 which said that Panama would give us the rights necessary "to operate, maintain, protect and defend the canal." Those three principles provided the core for any future treaty on the Panama Canal.

Ambassador Bunker not only sold the list of eight principles to Secretary of State Kissinger as the necessary prelude to a treaty, he also convinced Kissinger to travel to Panama and sign the agreement with Tack on February 7, 1974. Such public manifestation of support by a high authority is what negotiators always seek and seldom get. From that moment on it would have been difficult if not impossible for Secretary of State Kissinger and the two Presidents he served to openly retreat from the kind of settlement envisioned in the Kissinger-Tack Principles.

Kissinger's responsibility for the Panama treaty talks ended, of course, in November 1976 when Jimmy Carter defeated President Gerald R. Ford. His final act on the Panama matter—taken with the concurrence of Secretary of State Designate Cyrus R. Vance—was to send Ambassador Bunker and his team back to Panama in December 1976. The purpose was not to make strides on the negotiating front but to give a signal to the Panamanian people that despite the election, the effort to work out a new treaty was not ending.

3. LAUNCHING THE FINAL ROUND

Goals of the Carter Administration *(Ambler H. Moss, Jr.)*

The Panama issue figured heavily in the 1976 election campaign and helped to weaken the position of the then-incumbent President Ford and to elect a new President.

The incoming Carter Administration determined that Panama was going to be a top-priority item and that they were going to get new momentum going and get a new treaty. That decision arose out of several political considerations. In the first place, the incoming administration wanted to give high priority to Latin America and score some visible success in bettering relations with it. The treaty negotiations seemed like a logical place to start.

Secretary of State Designate Cyrus R. Vance asked Ambassador Bunker to discuss the problem of the Panama Canal. The Ambassador told Vance that the negotiations were roughly half through and could be finished up in another six or seven months.

Ambassador Sol Linowitz, appointed as co-negotiator shortly after Carter took office, also felt strongly that Panama was the right issue for the new administration to take up. He was

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the chairman of a bipartisan commission on U.S.-Latin American relations, a blue-ribbon panel of luminaries who were well versed in U.S.-Latin American relations. In 1976 the second report of the commission identified the Panama Canal as an area of top priority. In solving the Panama problem the United States could give a sign that it cared about Latin America and wanted to enter into a new relationship.

After these initial consultations, the Carter Administration got its political will together fairly quickly. In fact, only a few days after inauguration the new administration decided that they were going to barrel down the road to a new treaty. In retrospect that decision emanated not only from a tremendous sense of good will, but also from an inordinate amount of political naivete as to what the reaction would be in the Senate and in the rest of the country.

I sometimes wonder whether that decision would have been taken by a more experienced administration—one that had been down some rocky roads and taken its hard knocks. Nonetheless the Carter Administration decided to recommence negotiations with the Panamanians immediately and to work quickly. People at the White House were talking about having an agreement ready to sign by June!

One of the first determinations—and it was a very, very sensible one—was not to start all over again, but to build on what had been done in the past. That was very important, and I think Ambassador Bunker is being very modest when he says that he figured the treaties were half negotiated. The eight points of the 1974 Kissinger-Tack agreement, which Ambassador Bunker negotiated, constituted all of the guiding principles of the treaties. In their philosophical underpinnings, the treaties were perhaps 80 percent negotiated. A lot of details needed to be worked out and the specifics needed to be filled in, but a tremendous amount of work had been done.

The administration decided to send a clear signal to the Panamanians early on that the United States saw negotiations as a continuous process. The Carter Administration officials were the new boys in town, but they did not intend to take advantage of that fact by saying that nothing was binding and everything had to be started all over again. They would start right where their Republican predecessors had left off. Just to show that that was true, they were keeping Ambassador Bunker on as one of the negotiators because of his experience and the trust that he had established with the Panamanians.

The administration's moves were also designed to be a clear signal to the Senate, which would eventually have to rule on a treaty, that in fact Carter was taking a bipartisan approach by building on the work of both Republican and Democratic Presidents since Lyndon Johnson's time.

If Carter Administration officials did not know Washington terribly well when they arrived, they knew even less about General Torrijos and his friends down in Panama and did not know what they were getting involved in. This is why it was invaluable to keep the negotiating team as intact as possible, adding to it, but not changing it. The team had a tremendous wealth of experience going back many, many years, even before the arrival of Ambassador Bunker. For instance, Michael Kozak had been on the team as far back as 1971. He knew all the players and had developed a tremendous degree of trust with them.

The incoming administration was cognizant of the fact that the Torrijos government was a strange creature. In many respects it was one man rule. What was Torrijos like? Many of us who got to know him realized that on one level he was a swearing, hard-drinking, womanizing, typical macho Caribbean dictator with an unpredictable personality. On the other hand, he represented, in what he said and in his approach to the treaty, the mainstream of Panamanian thought ever since the first protest was filed by the Panamanian foreign minister to the U.S. Secretary of State Hay in 1904.

Therefore the incoming Carter Administration felt that this was a government with which the United States could safely deal. Whatever accord one reached with Torrijos would likely stand up after Torrijos left the scene. The worst possible thing would be to negotiate a treaty with the Torrijos government and then have a successor government denounce it and say that the Torrijos government was a bunch of rogues and scoundrels and had no legitimacy. Indeed there was a segment of the Panamanian population that threatened to repudiate the negotiations. They saw in the process something that might legitimize and perpetuate Torrijos's power.

So the Carter Administration was cognizant of the fact that there would be political opposition from within Panama and was forced to take an objective look at what was being negotiated not only in U.S. terms, but in Panamanian terms. The administration had to see that what was being negotiated would stand the test of time and be acceptable to both North Americans and Panamanians in the year 2000.

The Goals of the Torrijos Regime *(William J. Jorden)*

In Panama, there was considerable nervousness about the new U.S. administration. During the campaign, in the debates between President Ford and candidate Carter, the Panama Canal issue came up on a number of occasions, and the Democratic candidate seemed to be taking a rather cautious view. He said he would never give up "practical control" of the Canal. The Panamanians thought that Carter's position on the treaty and the Canal problem was considerably harder than Ford's.

However, things began to happen to moderate that view. The Panamanians began to get press reports about the attitude of Vance, the new secretary of state designate. The Linowitz Commission report came out in December 1976 and was widely circulated. It was known that the new President-elect was reading that report and taking it quite seriously. And Vance's decision to make Panamanian Foreign Minister Aquilino Boyd (who replaced Tack in 1976) the first foreign visitor to Washington to be officially received heightened confidence greatly. Boyd came to Washington and was received cordially by the new Secretary of State. At that meeting Boyd was informed that the new administration had every intention of abiding by the eight principles of the Kissinger agreement and that they would be the foundation of a new treaty, as far as the Carter Administration was concerned.

In spite of his success in Washington, Boyd fell out of Torrijos's favor and was replaced. Torrijos chose one of his younger cronies, Nicholas Gonzales Revilla, who had been the ambassador to Washington, one of the younger diplomats in the Western Hemisphere. At age 28 or 29 when he was named, certainly he was the youngest foreign minister in Panamanian history. As ambassador, he had worked as deputy negotiator on treaty affairs in 1974, 1975, and 1976 and thus was quite familiar with the problems, but he was lacking in experience and maturity. As it turned out, instead of having the foreign minister be the negotiator, the Panamanians turned to two close friends of the General. One was Romulo Escobar Bethancourt, who was a very well-known lawyer, one-time member of the Communist Party (thrown out for lack of discipline), and later minister of labor and rector of the National University. He had impeccable revolutionary credentials. His co-negotiator was Aristides Royo, the Minister of Education. Royo was also a lawyer. He had an active imagination, was lively, and was one of the better organized Panamanians that I encountered, but highly emotional and tense. He later became president of the Republic of Panama.

The new team was Escobar and Royo on one side of the table, and Ambassadors Bunker and Linowitz and their colleagues on the other. That was the scene as we moved into 1977 and the serious knock-down, drag-out negotiations that finally led to a treaty.

The goals that Panama was working toward as it took part in these treaty talks go back to 1903 and to the three basic issues already discussed. Those issues, from the Panamanian point of view, had not significantly changed over 65 years. First was the issue of sovereignty. The Panamanians felt it was intolerable that a strip of territory across the middle of their country should belong to somebody else. They felt, and I think rightly, that, from a legal perspective, the Canal Zone was Panamanian territory and their flag should fly over it and their jurisdiction should cover it. It was part of the Republic of Panama. That, I guess, was their principal objective, the reassertion of clear sovereignty.

The second element in their position, again flowing from the 1903 treaty, was that no arrangement between the United States and Panama should last forever. The concept of perpetuity, which was engraved in the 1903 treaty, should be eliminated, and any arrangement should have a fixed termination date.

The third principal objective was the concept of partnership—genuine partnership in the operations of the Canal in which Panamanians could aspire to the highest levels of responsibility in the administrative machinery of Canal operations. There were a lot of Panamanians working in the Canal, of course. The majority of the workers were Panamanians, but they occupied none of the senior positions in the Canal company hierarchy or in the Canal government administration. They also wanted a partnership in the defense of the Canal. They did not feel that defense of the Canal should be the sole prerogative of the United States. They conceded that in the short term the United States had primary responsibility, but they wanted to play an increasing role in defending the Canal and the installations around the Canal, and they wanted to do it as an ally and partner of the United States.

A fourth and final objective of the Panamanians in the treaty negotiations was the question of economic benefits. They felt that they had been badly used for more than 70 years, that the small annual payments the United States had made were trivial, and that in using what they regarded as their principal natural and national asset (their geographic location) they deserved to be paid considerably more than they had been. These expectations were certainly over-optimistic. In fact, one of the problems for the U.S. negotiators was to bring the Panamanians back to the real world in understanding what was possible in terms of economic benefits.

I think that their expectations on that front were greatly magnified. One of the problems for our negotiators was to bring them back to the real world in understanding what was possible and what was impossible in terms of economic benefits.

4. THE FINAL ROUND

Taking Up the Issues One by One *(Ambler H. Moss)*

The negotiations began in the second week of February 1977 on the island of Contadora, where the groundwork was laid. One of the tasks of the negotiating team was to set an agenda for dealing with the issues. The first issue to be attacked was the duration of the treaty. As various speakers have said, back in 1967 it was settled that the principle of perpetuity would have to go, and a new treaty—whatever it was like—would have to be of limited duration, insofar as U.S. participation in the administration of the Canal was concerned. The figure which quickly locked in everyone's mind, although the United States did not give it away for free, was the year 2000.

It also became clear, pretty early on, that, to satisfy the political and national security of both parties, and especially the United States, it would be convenient to separate the issues into two treaties. Security and neutrality issues would be covered in one treaty (the Neutrality Treaty) that would carry on into the future, although the word "perpetuity" would not be used. The second treaty (the Panama Canal Treaty) would involve the actual administration of the Canal in which the United States would be involved on a partnership basis.

At the outset, the talks centered on the question of a neutrality formula to provide adequate assurance to the United States that it would be able to use the Canal. The United States, of course, had come to realize that at some point in the future it would not be able to defend the Canal by sitting on it and by having bases there. But America would have to be assured of its ability to defend the Canal in time of need. Therefore, a satisfactory neutrality and security formula was one thing that we talked about a great deal within our negotiating team, as we waited for the Panamanians to come flying back again after consulting with their leader. We wrestled hour after hour to devise a successful neutrality formula.

The real crux of the matter was what rights would the United States have to reopen the Canal in case it was closed or to defend it in case it was attacked; and, in particular, what rights would the United States have if the threat to the Canal came from within the Republic of Panama? So that was the first of the great issues that had to be wrestled with. It was generally assumed that the right kind of formula early on would pave the way for other agreements. Neutrality was the hardest of the issues in many respects, and so it was right to hit it first.

A large part of what was eventually agreed upon harkens back to the Suez Convention at the turn of the century. We found our inspiration in that fine, venerable language about openness to all ships of all nations in time of peace and time of war, etc.

Everybody agreed that the question of the compensation—the sharing of financial benefits—ought to be kept for last. One can haggle endlessly over money, as indeed we did, and the haggling would have been a lot longer, if the issue had not been postponed until the end.

Another issue that took a lot of time in that May, June, July, and early August timeframe was the question of the U.S. employees of the Canal, individuals who generally go by the name of Zonians. Some of them had lived in the Canal Zone for generations. The U.S. team fought very hard right up until the final days of the negotiation to protect the rights of those individuals, and the Panamanians fought equally hard to dismantle what they regarded as a colonial presence. That was a difficult issue.

The highly technical issue of labor rights was one of the very last to be resolved. In the afternoon of the last day of the talks some members of the teams were still talking about Social Security and collective bargaining and what have you, as the chief negotiators were preparing their joint press statement.

There were several other very important questions. If the United States was going to be around hypothetically until the end of the century to run the Canal, what facilities, what lands and waters, would be necessary for the United States to undertake that mission? Then, of course, there was a bundle of administrative issues, beginning with the most important one of all: what kind of organization would run the Canal under the new Panama Canal treaty? That matter had been discussed at great length in earlier negotiations, the Panamanian aim being to work in partnership with the United States; the U.S. aim being to make sure that it would, in fact, be able to operate the Canal unilaterally (without saying so in so many words).

The question of what kind of entity would administer the Canal illustrates the point Ambassador Bunker made earlier about precision in treaties. It was generally supposed that the new entity, the new Panama Canal Commission, which would succeed the old Panama Canal Company, would be a U.S. government corporation. That did not happen in the Panama Canal Act, the implementing legislation of the treaty. But I must point out, in all fairness, that the treaty did not spell out exactly what the form of the entity would be. It was spelled out that there would be a Panama Canal commission which would run the Canal, that the commission would have a mixed board of directors (five U.S. and four Panamanians until the end of the century), and that there would be an administrator and a deputy administrator (U.S. and Panamanian, respectively, until 1990 when they would switch). However, in the implementing legislation, Congress paid no attention to the understanding of the negotiators and created a government *agency* instead of a government *corporation*. This created problems. For example, the Panamanians asked, "We know what the board of directors of a company is, but what is the board of directors of a government agency? That doesn't make much sense to us."

Precision in treaties: that was one of the problems, and it created tensions throughout the negotiations. On the security issue, to what degree should negotiators be precise or to what degree should they be vague? The treaty, after all, was being developed in an anything-but-harmonious atmosphere, and both sides had to be able to explain the treaty to two populations which approached it from entirely different angles. Therefore, in the minds of the negotiators, a certain amount of ambiguity was convenient.

The negotiation of a complicated treaty like the Panama treaty is a dynamic process. The U.S. government does not lock in its negotiating position with absolutely fixed parameters for the entire negotiation. There is considerable give and take. In fact, the negotiations between the negotiating team and its own bureaucracy was one of the more exciting aspects of the whole process.

I can remember occasions in which, right before going into a negotiating session, a call would come from the Pentagon and agreement within the U.S. side would be nailed down on a particular point which would be crucial to that day's negotiations. The key to success in this was the presence of General Thomas Dolvin who represented the joint chiefs of staff, secretary of the army, and secretary of defense at the same time. There was one person who had the ear of the three people whose ears he needed to have.

Major changes were made in give and take during the course of the treaty negotiations. There was a time, for instance, when the Department of the Army decided that the ports on either side of the Canal, at Cristobal and at Balboa, had to be maintained with the Canal in order to unload supplies and equipment and keep the Canal running. Panama, of course, wanted these ports desperately because they were the only two deep-water ports in the country. Eventually the United States was able to give those ports up in the negotiations. That was an important lands and waters breakthrough.

On economic compensation, the two sides were poles apart. The Panamanians felt the United States owed them something for having paid only a pittance since 1903 and having enjoyed the great benefit of having the Canal. Therefore, they said, the United States ought to pay Panama something approaching a return on investment through all those years, plus value for the Canal's military and commercial worth through the end of the century. The United States, of course, was not about to do that; it could not afford to; and the treaty would never have gotten through Congress with that in it. The U.S. view was that the tolls could be increased by some reasonable percentage and that a portion of the increase could be given to Panama. That determination was made by a toll sensitivity study which showed that the tolls could not be increased much before one reached the point of diminishing returns. That was an important point, and the Panamanians eventually accepted it. Their economic negotiator was Nicolas Ardito-Barletta, now president of Panama, who up until the election was vice president of the World Bank for Latin America. He is a Ph.D. from the University of Chicago, with a fine understanding of not only Gringo politics, but of business and finance.

The notion of increasing the tolls had to be negotiated internally in the United States. Barletta quite rightly said, "Well, look, the royalties are going to be fixed at $.30 a ton. Well and good. But $.30 a ton today is not going to be $.30 a ton ten years from now, so we need indexation." At that point, it was anathema in the U.S. government bureaucracy ever to allow the concept of indexation for anything. We had informal talks with people at the Department of the Treasury who told us what kind of a "formula" might properly be used, although they said they would never agree to it. Around the 6th of August, before we went down to Panama for the very final round of negotiations on agreement of principle, Ambassadors Bunker and Linowitz sent a memo directly to President Carter proposing this formula, getting authorization right from the President to have in their back pockets if they needed it to clinch the deal. They did need it, of course.

Sometimes one can develop positions as a negotiation moves along with a high degree of structure and collegiality within the ranks, as General Dolvin was able to do with the Pentagon. Sometimes one has to put on hob-nailed boots and charge ahead as we did with the indexation clause. It was not a static process at any moment on the U.S. government side. The process went forward as we attacked each of the issues, nailing them down one by one with the Panamanians until we finally got agreement in principle by mid–August 1977.

The Security Aims *(Welborn Dolvin)*

I was called on a Friday afternoon by General George S. Brown, who was then the chairman of the joint chiefs of staff. He said he was looking for a retired Army general that did not know a thing about Panama. I was retired; I was an army general; and I had been to Panama once for a briefing tour on R&D which took 15 minutes. So I qualified on all three counts. It is the first job I have ever had in which my job description called for ignorance of the subject.

Lieutenant General Dolvin is Department of Defense Representative for Panama Canal Treaty Affairs. From 1975 to 1978 he served as Deputy Negotiator for the Department of Defense for the Panama Canal Negotiations.

General Brown wanted somebody who was not emotionally involved in the Panama question, who had not served there, whose children had not been born there. He wanted someone who was not part of the problem.

I was very fortunate in that I knew General Brown. I had served with him in Vietnam, among other places. I was working for Deputy Secretary William Clements at the time as a consultant on arms acquisition, and I had served with Ambassador Bunker in Saigon. So I felt that, with that entree, I could probably take on this job even though I did not know anything about it, and I hoped to be part of the solution.

The military aim of the treaty was simply to maximize the possibility of continued use by the military of the Panama Canal in peace and war. That was the objective.

Deputy Secretary Clements and General Brown went to Panama, and, when they came back, they decided, along with the other chiefs of staff, that our present arrangement would not achieve that objective. They found that, if the United States continued to try to adhere to the policies of the treaty of 1903, as modified, it could not maximize the possibility of continuing to use the Canal in peace and war. The chiefs of staff had already had experience in operating in hostile environments, particularly when surrounded by jungles. They decided to support a treaty that would maximize the "use" of the Canal. And the word "use" is the key. They did not talk much about sovereignty or other questions which one heard so much about. These were relatively unimportant from a strictly military standpoint.

At first we did not have the two-treaty concept. But once that was settled, then the neutrality treaty became very important for the military because it would spell out the military's rights to take whatever steps were necessary—without a time limitation—to keep the Canal open and neutral. Article IV of the neutrality treaty, which in my opinion is the operative part of that whole treaty, is very broad. It merely says that the United States has the right to keep the Canal open and free to the commerce of all nations in peace and war. It does not spell out much. In fact, Secretary of Defense Harold Brown made the point that he could not clearly see the military situation in the year 2001, and since he could not see it, he wanted a treaty that spelled out the rights and left the options open.

As far as the other treaty was concerned, the military wanted the facilities and the rights to operate and defend the

Canal to the year 2000. The military's decision simply not to draw lines on the map and say, "All red goes back to Panama and all blue we keep," helped the process along. We tried instead to analyze the problem, to ascertain what the United States really needed to operate and defend the Canal, and to insist on keeping that and letting the rest go. That was the approach that all of us in the lands and waters group, and certainly Ambassadors Bunker and Linowitz, followed.

One of the toughest issues we had to deal with in the Canal treaty was military bases after the year 2000. There were a lot of people that said the United States had to get some sort of base rights negotiated into the treaty. However, the joint chiefs of staff decided that the United States, by reintroducing troops into the area very quickly, could defend the Canal after the year 2000 even though we did not have bases.

In the matter of defense of the Canal, there were two elements from a military standpoint: internal and external security. External security had to be carried out by the United States. External security is not assured at the Canal entrances; it is assured by keeping people away from the Canal. In modern warfare, with airplanes and so forth, that is a function that the U.S. Navy would rightly perform. Internal security was a joint matter. We know from experience that the people on the spot in a hostile or semi-hostile environment are better able to look after internal security than someone introduced from the outside. On the other hand, from a purely realistic standpoint, the Panamanians did not have the strength to do the entire job, although they could be partners with the United States.

Venue and Strategy of the Negotiations
(Richard R. Wyrough)

The first round of talks under President Carter actually take place on Contadora. At that point, however, the issues had become so complex, so interwoven, and the degree of detail being discussed had become so precise that the isolation of Contadora began to impede the process of the negotiations.

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Aware that the President and his men wanted an early resolution of the Panama problem, Sol Linowitz was persuaded that that goal would never be met if the pace and style of the "Contadora years" continued. Beginning in March of 1977, therefore, the venue switched to Washington and a more structured, formal, and efficient style emerged. There were two or three days of talks at the Panamanian Embassy in Washington; and then the talks switched to the deputy secretary of state's conference room on the seventh floor of the State Department. Almost all of the negotiating sessions from May to August were held there. The five members on each side faced each other across the long polished table that dominates the room. There were the standard simultaneous interpreters and stenographers taking down the full discussion verbatim. From time to time the Panamanians had to return to Panama for consultations, but, in contrast to earlier sessions, which generally lasted a week or perhaps ten days, that negotiating session was almost continuous.

The final session, that took place just before it was announced that the two teams had reached conceptual agreement, was held in Panama at the Holiday Inn. That session lasted four or five days. After the joint press conference announcing conceptual agreement, the U.S. team returned to the United States leaving Michael Kozak and one other lawyer to negotiate the details. It turned out that that negotiating effort took a little longer than anticipated, and some of us returned as reinforcements. There followed a period of about two and a half weeks in which the texts of the treaties were finalized and submitted to the printers. Also during that period, the treaty atlas of maps was negotiated block by block, street by street, gas station by gas station, facility by facility. There were, in that process, a few issues that also had to be negotiated and referred to the chief negotiators. It was a literal race against the clock because September 7, 1977, had been chosen as the date for the formal treaty signing.

While the negotiating teams were meeting in Washington, the presidents of Colombia, Venezuela, and Costa Rica and the prime minister of Jamaica—a chorus of supporters on Panama's behalf—gathered in early August in Bogota and wrote the text of the article dealing with the sea-level canal. In the 1965–1967 effort, an entire treaty had been negotiated with respect to the construction of a sea-level canal. By 1977, that subject had been relegated to a single article the substance of which was negotiated by long-distance telephone between the four heads of state and General Torrijos in Bogota, and President Carter in Washington. In effect, the agreement was simply to postpone the substance of that decision to a later time.

Various techniques of negotiation were used over the years. At the outset of the negotiations in the 1974–1975 period, the major issues were taken up sequentially based upon guidance that had been developed and detailed during the 1971–1972 round of negotiations. In early 1975, it became apparent, however, that that guidance was inadequate to the job. There was an interruption in the negotiations during which Ambassador Bunker sought new guidance from President Ford with respect to treaty duration and some aspects of the lands and waters geography. That process took several months in mid–1975.

The negotiations were resumed in September 1975, and for the first time, we shifted from an examination of issues on an individual basis and began to talk about the issues in packages. We began a process of "what-ifing." This continued throughout 1976, despite Panama's becoming an election year issue.

In the 1977 sessions, even through the setting was stiff compared to Contadora, a good deal of work was accomplished by subcommittees on lands and waters problems, legal matters, workers' rights, and so on. In those sessions a good deal of the Contadora atmosphere was preserved by individuals on both sides. Most important, the progress in 1977 became possible because so much from these earlier efforts was preserved. There was no reinvention of the wheel.

U.S. Tactics *(Ambler H. Moss)*

It would be very hard to find an example in U.S. history of negotiators doing as much consulting with the U.S. Senate during the course of the negotiations as Ambassadors Bunker and Linowitz did. It was absolutely astounding. They realized what a fight they were going to have on their hands, and they did not want any senator to be able to say that the Senate did not know what was going on and that the treaty was served up as a great big surprise.

In the negotiation process itself, as Dick Wyrough has already suggested, we came to a point where the negotiations took on a rather classical form: interpreter's notes, records of the negotiation being kept, etc. But I would say, from my own personal observation, that that never detracted from the spirit of informality and frankness which characterized the negotiations. Between the U.S. and Panamanian negotiators there was a spirit of collegiality. Had that spirit not been present, it would have been impossible for the two sides to work as a team during the ratification process and for the Panamanians to accept the extraordinary baggage of reservations, understandings, amendments, and changes in the spirit of the treaties which they understood had to be accepted in order to get the treaties through the U.S. Congress. So the Panamanians were brought along with us in that process in an anticipatory way, thanks to the collegiality and the good spirit in the negotiations.

Omar Torrijos disliked diplomacy and the process of diplomats and used to say that the problem with diplomats is that they are not really talking to each other, they are just talking to the archives, they are laying down positions which will show that they defended the national interest. He did not say that with specific reference to these negotiations, though, because he knew differently. He did understand our problems.

Part of our problems were with the negotiations that went on within our internal bureaucracy. The shift of the negotiations to Washington was a tactic desired by both the U.S. and Panamanian negotiators. The U.S. negotiators found that a lot of negotiations had to take place within the U.S. government bureaucracy, and we had to be in Washington to do that. The Panamanians, for their part, found it convenient not to be quite so close to their leader. When they were on Contadora, they would have to fly off and talk to Torrijos, and talking to Torrijos, as I came to find out years later, was not a matter of walking in doing your business, and walking out again. It involved a great deal of drinking and reminiscing, and it took time. They had negotiating authority from him; they knew it. He ran the country; they knew what the parameters were and they did not have the problems that the U.S. government had in trying to clear everything. The Panamanian negotiators recognized that they could progress much more speedily than we could. Hence the shift to Washington.

All formality and structure broke down somewhat in the final days when we wrapped the whole thing up in conceptual agreement. Then there were at least five negotiations happening simultaneously. It was impossible to keep a record. We had agreed that, while we were in Washington, the United States would take responsibility for keeping a stenographic records of things. The Panamanians undertook that responsibility when we got down to Panama in August, but they were not really equipped to do it, and they certainly were not equipped to follow five different negotiations happening all at once. Unfortunately, a great deal of the record will not be there in the archives, when students of diplomacy and diplomatic history go to look for it. A great deal of it will have to be gleaned from synmposia such as this. Neither Dick Wyrough, nor I, nor Ambassador Bunker, nor General Dolvin, nor Mike Kozak can tell you everything that was happening in those days in August in each of those five rings of the circus, because we were all in different rings. All we know is it got put together at the end; we knew what the final bargain was. That disjointed process worked out, I think, because there was a spirit of collegiality which enabled people to get the job done.

It was important that once things really got rolling, neither side tried to hold out for an additional advantage, but instead worked to reach agreement on all the pieces of the package so that there could be agreement on a final package. There were some loose ends, of course, and some of these were negotiated right down to the day the treaties were signed. There was a mass of detail to deal with, and, in fact, it was convenient for the negotiators to leave a few things loose. Hence, once the treaties were signed and put in force agreement had to be reached on maybe as many as 150 side issues. This was a useful tactic, because the important thing was to have something to sign which would nail down the main points.

Panamanian Tactics *(Michael G. Kozak)*

Since 1904 the Panamanians had had all the complaints we have heard about but they did not have much leverage. They were trying to get the United States to give up rights that it had obtained in the treaty of 1903, but they had very little to offer other than a lack of trouble. I think their overall strategy was to try to find ways of making it understood in the United States that if this situation went on indefinitely, there was going to be a serious problem. At the same time, they did not want to get themselves into the situation of appearing to be threatening us or trying to blackmail us. They knew well enough that a direct threat to the United States was not going to be responded to with equanimity.

They conducted a sophisticated strategy over a period of several years of trying to modulate the pressure outside the negotiating forum. They managed to get a Security Council meeting of the United Nations on Panama in 1973, in which they forced the United States to veto a resolution that would have favored Panamanian sovereignty. That sent the United States a signal that there was international pressure that could be brought to bear. But then wisely they immediately followed that up by proposing a new round of negotiation in an effort to agree upon principles.

They raised the matter in the Organization of American States at several points during the negotiations, again not ever creating a confrontational situation, but reminding the United States that there were other avenues that they could pursue if the negotiations did not produce something that they could live with. They toyed with the Third World; they re-established relations with Cuba in 1975. Part of that was perhaps a miscalculated ploy to show the United States that they had other options; there were other things that could happen if we did not find a way to resolve their complaints.

In the negotiations themselves, on a more tactical level, the Panamanians used the entire range of techniques, including lots of rhetoric, some of which was directed at their own audience and/or for the archives. Sometimes that is necessary for both sides, but, taken by itself, it did not produce many results for them. They made appeals to the American sense of justice. The more right-wing members of their team who had been educated in the United States had the idea that if they explained to us Americans in logical terms why something was correct and just that we would come through, and they were not prepared to listen to the problems we were facing.

The Panamanians were at their best when they began to explain to us the real problems that they were up against—not the appeals to justice and national dignity and so on, but the pressures they were feeling from the students, the business community, the opposition political party, and their own bureaucracy. Then they were willing to listen and try to understand those kinds of pressures that the U.S. side faced and relate those to the particular problem in front of them. Once we saw what both sides were facing, it made it much easier to find a formula.

Towards the end of the negotiation, the Panamanians wanted to reopen the status of forces agreement, the text of which had been completed back in 1974–75. The U.S. team would also have liked to have made a few changes but decided, for tactical reasons, that reopening the issue would lead to another whole negotiation. One of the Panamanian negotiators came to me and said, "Look, I've got a real problem with some of the guys on my team. They're just determined to renegotiate this thing. I know you can't do it; I know we don't have time for it, but I'm going to have to make a pitch for it and you're going to have to tell me no."

We went into the conference room and the Panamanian spoke for 45 minutes: the entire history of Panama, the injustice of the colonialists, how Panama had been fleeced for years, and how logic and truth required that the status of forces agreement be reopened and renegotiated, and on and on. I looked at him and said, "Well, yes, we could do that." And I thought he was going to drop out of his seat because he knew we could not. I said, "We could do that if you are prepared to spend another two or three weeks while we get another Department of Defense team back together again. Then we're going to have to get new guidance from the White House and so on. If we're going to do that, you'd better call General Torrijos right now and tell him to call all the heads of state and tell them not to show up next week for the signing ceremony." That had a good effect. They had to go through the motions of demanding that the issue be reopened knowing perfectly well that it was not the right thing for them or us to do.

Informal Diplomacy *(William J. Jorden)*

I came to Washington in May 1977, in my capacity as U.S. Ambassador to Panama, to consult with Ambassadors Bunker and Linowitz and to prepare the way for the arrival of the new Panamanian ambassador to the United States, my friend Gabriel Lewis. I had met him ten years before when I had first visited Panama. He and I were good friends, and I wanted to help him. We spent a good deal of time together while I briefed him on everything from ambassadorial responsibilities to the operations of the U.S. Congress to the better restaurants in the capital city.

Coincidentally, the May round of negotiations had started that same week. After the first negotiating session of the new round, Gabriel and I got together at the Panamanian Embassy for dinner and to discuss the events of the day. It ended up being a four-hour session in which I explained why our negotiators had pressed so hard for an agreement on a neutrality arrangement under a new treaty and why it was absolutely essential for congressional approval. He explained in endless detail to me why the Panamanians felt driven to get a more satisfactory arrangement on the transfer of facilities and land areas and waters. The talk clarified a number of things that had been somewhat obscure in both our minds.

The next morning, I went the Department of State and reported on this conversation to Ambassadors Bunker and Linowitz. That night the same thing happened again. There was another formal negotiating session, and that night again Ambassador Lewis and I got together. It looked to us as though things were going from bad to worse, that the two sides were really talking past each other, that the Panamanians were not hearing what we were saying about defense and security, and that the United States was apparently not paying very much attention to what Panama was saying about such things as Ancon Hill, which was a terribly emotional issue. Ancon Hill is the highest promontory in Panama City. It overlooks the whole town and is a constant reminder that that piece of territory was not Panama. For decades poems have been written and songs sung making Ancon Hill a symbol of the anguish of Panama's pain and suffering. But the U.S. side did not quite understand the importance of Ancon Hill and had offered to give Panama the top of the Hill but not the Hill itself. The United States felt it needed the lower slopes because of the installations that were located there, including the headquarters of the Southern Command, Gorgas Hospital, and the Canal company's offices. Gabriel and I argued until two o'clock in the morning. Finally I went in to see Ambassador Bunker and said, "Look, if we go along this way, we're just not going to get a treaty." He very kindly said, "Well, what should we do?" And I told him that we had to be more forthcoming on some of these trivial lands and waters issues. If we were, we would be surprised at what we would get from the other side. I believed that they would be extremely forthcoming if we took the lead.

My colleagues saw the point and judged that I was probably right. Ambassador Linowitz immediately conferred with Secretary of the Army Clifford L. Alexander, who had a controlling voice over land transfers in the Zone. The upshot was that at the session that afternoon, Bunker and Linowitz were able to tell the Panamanians that we were prepared to make a number of major concessions—including Ancon Hill. The Panamanian delegation, which had been on the verge of flying back to Panama that night in a foul mood, was taken aback. They called for a recess to digest all that had been said. A new atmosphere prevailed at the negotiating table and soon thereafter we had agreement on the main provisions under which the Canal would be protected in the future.

The meeting that Lewis and I had and our haggling and using very strong language with each other, which is not always easy across a formal negotiating table, seemed to provide a useful kind of grease to the negotiations. As a consequence, the two negotiators asked me to stay on in Washington to continue that informal, behind the scenes effort instead of going back to run my embassy in Panama. What started out as a five-day visit ended up as a three-month tour of duty.

This technique can be used only sparingly, of course. It has to meet the needs of both parties to the talks. And the essential ingredient is two people who know each other and trust each other and who, at the same time, have the full confidence of their principals at the main table. But when those criteria are met, informal and candid liaison can provide a useful lubricant for the treaty machinery.

5. PUTTING THE TREATIES INTO EFFECT

Ratification of the Treaties in Panama *(William J. Jorden)*

The Constitution of Panama stipulated that any arrangement with the United States on the Panama Canal issue had to be approved by popular national vote. In October of 1977 a plebiscite was held. It is true that the government put pressure on people to vote for the treaties and made sure a lot of people got to the polls that might otherwise not have got there. But the fact is that the vote was two-thirds for and one-third against, which is not a typical result for a dictatorial regime. A lot of the negative vote was not really so much against the treaty as against the government. For many Panamanians it was more a plebiscite on the Torrijos regime than on the treaties. If a second plebiscite had been necessary—for example, if there had been major revisions in the treaty—the vote would probably have been even more negative from the government's point of view. In any case, the treaty was ratified, and by all accounts it was a fair, honest, and above-board vote.

Managing the U.S. Ratification Process *(Ambler H. Moss)*

A look at what was done to get the Panama Canal Treaties through the Senate is extremely instructive on how to get through a piece of controversial legislation. And there is no doubt that the treaties were controversial.

In 1978, once the treaty debate started, the Senate did no other business from the opening of the session in January until the approval of the second treaty in mid-April. Never has the Senate spent so much time on any single issue since the debate on the Versailles treaties after World War I.

This essentially unpopular treaty was managed very carefully on the Hill. First of all, it was absolutely key that senators who were interested in the Panama Canal treaty got the chance to go to Panama and have a look and get briefings by the Southern Command, by the Canal Commission, by the U.S. Embassy, and by Omar Torrijos in his own inimitable fashion. Fifty-two members of the Senate journeyed to Panama at one point or another, and that won quite a few votes for the treaties. Some senators did not change their minds, but we did not lose a single vote as a result of these visits to Panama.

Torrijos, himself, had a big hand in this whole venture. He behaved with a patience and extraordinary comprehension that I have never observed in any other head of state of a sovereign country. For instance, when some of these senators were gathered with him at his residence at the beach, they asked questions of such indecency that in many countries they would have been bundled off to the nearest airport—if they were lucky. They asked such questions as, "General, can you tell me, are you a Communist? Is it true that your brother is in the drug trade?" And Torrijos took this kind of humiliation with extraordinary good grace but did not lose face or knuckle under. The answer to the first question was, as I recall, "I have never in my life declared that I'm not a Communist, and I'm never going to do so, Senator. By the same token, I've never in my life declared that I'm not a homosexual or a son-of-a-bitch." That is the way he handled it. He put them in their place with good humor and with extraordinary comprehension.

One of the tactics of the treaty opponents was to try to provoke the Panamanians into doing something rash by insulting them. The Senate debates on the treaty were translated simultaneously into Spanish and broadcast in Panama. If the Panamanians were goaded into doing something rash the whole treaty could be blown out of the water. In April 1978, General Torrijos told one of the members of the negotiating team, "You know, in the old days, you used to cut off the head of the messenger that brings the bad news. Today that's the transistor." He described how he would pace around on his terrace with a transistor radio stuck in his ear listening to a treaty opponent in the U.S. Senate saying, "And that Commie-loving friend of Fidel Castro, that dictator Omar Torrijos..." And Torrijos would get mad and smash the transistor radio on the terrace. His sergeant would bring him out another. He went through two cases of Sonys that way. He knew perfectly well that keeping calm about unspeakable behavior was something that had to be done in the interest of the cause, much to his credit. This showed the degree of confidence that we had in each other. We talked about keeping cool with our Panamanian colleagues at the time, and we knew that they would let off steam with us and would talk about it.

Getting the treaties through involved a great deal of presidential time. The congressional staff at the White House was fully mobilized. The President, himself, met with delegations from a number of different states suggested to the White House staff by the senators from that state. These opinion leaders were brought to the White House for briefings which the President himself would conduct with the aid of Ambassadors Bunker and Linowitz and perhaps the secretary of the army, and various other people.

One of the things that was absolutely essential, of course, was a good organization. Within the State and Defense Departments we had an inter-agency team—a number of people who were assigned to work full-time on the ratification effort of the treaties. This group was called the "gang of four" and consisted of myself, Mike Kozak, Colonel Jackley, and Betsy Frawley. We had an office in the Capitol which the majority leader furnished, thanks partly of course to the White House getting support of both the majority and the minority leader. I think Senator Howard Baker (R.–Tenn.) has probably had to pay dearly politically for his support of the treaties. A number of Democratic senators probably lost their seats on account of supporting the treaties. It was a rough issue for them politically.

That office on Capitol Hill was a resource base. Frankly, the Department of Defense recognized long ago that a Capitol Hill presence is needed to get legislation through. Legislation cannot be managed by making an occasional foray out of the

State Department and up to the Hill and back again. Promoters of pending legislation have to be on Capitol Hill where the congressional staffers can come and get position papers or get questions answered. That was the function of this Capitol Hill office. We worked night and day to promote ratification. When the debates actually started, we had a loudspeaker that piped the debate from the Senate floor into our office so that we could hear what was going on and anticipate the requests for information from the floor managers, Senator Paul S. Sarbanes (D.–Md.) and Senator Frank Church (D.–Id.).

Sometimes we had to do some unorthodox things. A little story illustrates what I mean by unorthodox. All of us in government are cognizant of the need to clear things, but sometimes there is not enough time to clear things. One day a senator was making a speech to the effect that, right in an area of the Canal Zone formerly occupied by the U.S. military, the Russians were putting up a military installation, and that this was happening right then as a result of the Panama Canal Treaties. So Colonel Jackley and I got on the phone and made a few quick calls to respective parts of our departments just to double-check that something had not got by us. By the time that senator sat down, another senator stood up and said, "I'd like to answer the gentleman from so-and-so. I have it right here—confirmation from both the Department of State and the Department of Defense that no such military installation is being put up by the Soviets." Then he sat down. Basically, Larry and I wrote that paper. We signed our names to it and sent it on. We were reasonably sure that what we wrote was true, but we also knew that if we had tried to get that thing cleared in our respective departments, it might have taken three weeks if we were lucky. That kind of thing had to be done to put down rumors the minute they arose before they became tremendous issues.

Backstopping the White House effort and the effort on Capitol Hill was a tightly knit team in the State Department which worked up extensive briefing books on legal questions, on economic questions, and the like. You would not believe some of the things that the treaty opponents came up with—legal issues so arcane that they would boggle the minds of Supreme Court justices. A tremendous amount of paper was produced in the form of carefully worked out briefing books in order to keep the arguments going and enable the floor managers on the Senate floor, who never would have been able to do this with their own staffs, to respond fully to questions and knock down erroneous charges as they were made.

There are a number of basic principles to follow in getting unpopular legislation through Congress. First, you must have an eye on public relations. White House briefings are not enough. What is needed is a massive public relations effort across the country, sending speakers out all over the place. Ambassador Bunker did extraordinary yeoman service by speaking to audiences all over the country. It was an attempt to sway public opinion and bring it around in favor of the treaties. I am not sure our public relations effort ever totally did that, but it at least blunted some heavy opposition to the treaties. In addition to a public relations effort, presidential involvement and a presence on Capitol Hill are necessary. The main thing is to have a tightly organized team, including a lot of full-time resource people, who work every day with both the majority and minority leaders to make sure the legislation goes through.

Shortcomings in the Management of the Ratification Process *(Michael G. Kozak)*

The largest single mistake that the so-called gang of four made was not utilizing the majority and minority leaders soon enough. Instead we sent people from the State Department to negotiate with individual senators, every one of whom wanted a reservation or understanding that he could put forward to justify his vote for the treaty to his constituents. That process damaged our relations with Panama and almost jeopardized the treaty. It would have been better if we had used the majority and minority leaders and their machinery early on and let them line people up and find out what the collective need was for an amendment or understanding on reservations. Then we could have made two or three changes instead of twenty-five. Individuals, however intelligent, broad-gauged, thoughtful, or wise in the ways of the world, when thrown into the congressional mill, can get badly chewed up because they simply do not know the rules of the game, the methods of procedure, the technicalities, and so on.

However, in the process of handling the amendments, reservations, and understandings, we did reasonably well. Every time it looked like something would have to be added to the treaty in order to buy a few votes, Ambassador Jorden would check it out with the Panamanians. We would then have an assessment as to whether or not the amendment was something that they could choke down.

One instance in which this process did not work almost blew the treaty out of the water. A junior senator, who should not have had the kind of clout he ended up with, put forward a more substantive reservation than some of the more powerful members of the Senate. The amendment not only virtually destroyed the careful balance that was worked out in the treaty, but it also annoyed the stalwart Republican and Democratic senators who had been with us from the start. They said, "Why are you helping some guy like that who has just come on at the tail end? You didn't give us any help even though we have been out there supporting you from the beginning." Eventually the Senate itself managed to correct the mistake it had made with this one reservation that had caused so many problems.

Defense Issues *(Lawrence W. Jackley)*

Ambler Moss headed up the gang of four, Mike Kozak was in charge of State Department issues, Betsy Frowley was our congressional resource person (she knew all the contacts); and I was there representing the Department of Defense. My role was to present the Defense side of issues that came up to the leaders on the Senate floor. My Pentagon contact was General Dolvin who was manning the command post there. Each day I briefed the general and the other members of the Defense Department staff. We worked out our "marching orders," and I worked with Ambler and Mike and Betsy the rest of the day. It was an exciting and interesting time.

The defense issues very seldom came up after the "macho drill" was completed on the neutrality treaty. (We tell ourselves over at the Pentagon that that is because we did our staff work so well.) The only serious time we were challenged on the Panama Canal Treaty was by a senior Senator from the south on the issue of Galeta Island, which was a naval communications station. I had the pleasure of escorting a navy vice admiral over to brief Senators Birch Bayh (D.–Ind.) and Barry M. Goldwater (R.–Ariz.), chairman and vice chairman, the chairman and vice chairman, respectively, of the Select Committee on Intelligence. They were satisfied. The other distinguished gentleman who was briefed in the afternoon when I was not present was not

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From 1975 to his retirement in 1980, Colonel Jackley served as Special Assistant for the Panama Canal Treaties in the Office of the Secretary of Defense. During the treaty debate in the Senate, Jackley represented the Secretary of Defense on the Vice President's Senate Task Force.

satisfied. The following day he waved what we later discovered to be an empty envelope to his constituency, which happened to be the VFW convention in the galleries, and said, "If you just knew what I had in this envelope you would insist on keeping this valuable defense installation." He lost.

During the process, the senators did us a couple of very big favors. The first involved a real mistake we made on the issue of cemeteries. There were U.S. cemeteries on both sides of the Canal. One of them, Mount Hope, was to come under Panamanian jurisdiction. Not realizing what a sensitive issue cemeteries could be, we said we would deal with them later. The American Legion, the VFW, and a number of other groups took considerable exception to that point of view. As a result, the Senate Veterans Affairs Committee insisted on negotiating an understanding. That was very helpful, because, had they not done so, we would have probably lost to a damaging reservation on the same subject.

We also received a great favor from Senator Edward W. Brooke (R.–Mass.). He presented both governments a gift called time. It was at his insistence that the actual entry into force of the treaties did not take place until October 1, 1979, which was six months after the March 1st deadline for getting treaty implementing legislation through. That worked to our advantage. If we had tried to rush the treaties into effect earlier, it would have been a morass for two principal reasons. First, we and the Panamanians simply needed more time to coordinate and agree upon the necessary details of treaty implementation. Second, time was needed to obtain passage of the domestic implementing legislation in a useful form. As it was, that legislation did not pass the Congress until just days before entry into force of the treaty.

Managing the Passage of Implementing Legislation *(David H. Popper)*

The debate in the Senate was wild and woolly, but tolerably civilized. It came out well in the end with the two-thirds plus one vote. The story in the House of Representatives was somewhat

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Ambassador Popper served from 1977 to 1980 as Coordinator and Special Representative to the Secretary of State for Panama Canal Treaty Affairs. Prior to these assignments, he was Ambassador to Chile and Cyprus, and Assistant Secretary of State for International Organization Affairs.

different. The House is not quite the orderly, disciplined body that the Senate is or should be. Once the treaties were ratified, both Houses had to approve implementation legislation. That was not a great problem in the Senate, but it was a serious problem in the House of Representatives.

After the long fight for Senate approval, and the expenditure of a great deal of presidential capital, President Carter and his aides were happy to forget about the isthmus for a time. Even the State Department was ready to take a rest before entering the lists again on behalf of the treaties. No one seemed to realize that the fight in the House was going to be far more bitter than that in the Senate and that the results would be immeasurably worse in terms of our goal of building a better relationship with little Panama.

An implementing bill did go through (Public Law 96–70), but it took a long time and it was far from a perfect bill. There was a significant amount of House-Senate controversy on the Panama Canal Treaties. The House of Representatives felt very much left out during the long Senate debate. Many—though not all—congressmen were chomping at the bit to get on the record against the treaty.

Members of the House argued that the whole Congress, not just the Senate, should have ratified the treaties. They pointed to Article 4, Section 3, Clause 2, of the U.S. Constitution which says in part that the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States. They felt that the constitutional requirement that the entire Congress approve transfers of national property entailed both House and Senate approval of the arrangements included in the treaties. Legal opinions and court decisions to the contrary notwithstanding, during the implementation debate there were numerous speeches on the House floor protesting the administration's "violation of the Constitution" and denigration of the House's authority.

The House was thus inclined to challenge the Senate and its prerogatives. However, when the House sought to assert its own prerogatives, the Senate reacted against the upstarts at the other end of the Capitol, and that, I must say, was somewhat helpful to those of us trying to get implementing legislation through.

We had what Ambassador Jorden has rightly called an "unsavory" several months of effort to get acceptable legislation out of the House, which was the crucial forum for it. The treaties had been ratified; the shouting had died; the heroes had all gone away. It remained to reduce the general and sometimes imprecise language of the treaties to statuary form. Only a few of us were left to soldier on. It was not easy. The House Merchant Marine and Fisheries Committee and its Panama Canal Subcommittee were both powerfully stacked against the treaties, much more so than the House as a whole. The executive branch had to do a lot of quiet uphill work of the same sort that was done in the Senate, though the action was much lower in key. The legislative process on the Hill was not completed until September 27, 1979, only four days before the treaties went into effect. (The Panama Canal Treaties had been signed in September 1977 and approved by the Senate in March and April 1978.)

Neither the White House nor State nor Defense was prepared for the savaging that the legislation first proposed by the administration received. In the end, the House wrote its own implementing bill—several in fact. They had one point in common: they had little regard for the spirit of friendship and cooperation that had characterized the 1977 treaty negotiations. The administration perforce agreed to let a strong critic of the treaties, John M. Murphy (D.–N.Y.), handle the floor fight for the implementing legislation. Other congressional figures such as Representatives Robert E. Bauman (R.–Md.), George V. Hansen (R.–Idaho), and Gene Snyder (R.–Ky.) fought bitterly against every attempt by reasonable men to produce legislation that did not demean Panama or that would not undercut the mutuality of the treaty arrangements. Granted, it took a high order of political courage to defend those arrangements—and such courage was relatively scarce.

The single major issue was what kind of an animal the new Panama Canal Commission should be. For many years, the old Panama Canal Company had operated as a government corporation. It was efficiently managed with well-established procedures, and there would have been no problem, and many advantages, in leaving it in that format. Relatively speaking, a government corporation has a large degree of independence from detailed congressional oversight and operates on its own, with its own balance sheet and its own corporate policy within the limits of its charter. It was this very independence which the House objected to.

Unhappy with the treaties, the House determined to maintain the strictest possible control of Canal operations. It insisted on making the new Panama Canal Commission an appropriated funds agency. Every cent that is collected in tolls and other services goes into the U.S. Treasury. Every cent that goes out for expenditures has to go out in accordance with specific authorization and appropriations. This vastly limits the flexibility of the operating agency. It is a tribute to those who have had to work with the system that it has worked quite smoothly over the last five years.

The administration opposed the House very strongly on this issue at first, but eventually, in order to get the necessary votes for the bill, it accepted the provision for an appropriated funds agency.

Many other provisions of Public Law 96–70 flesh out general treaty provisions in a fashion that bluntly, almost brutally, emphasizes the element of continuing U.S. control. Under the Canal Treaty, for example, the board of directors of the Canal Commission is composed of five Americans and four Panamanians. One would have thought that this would ensure U.S. predominance. However, the law specifies that the American members must vote as the secretary of defense or his designee says they should vote, thus sharply reducing the freedom of action of the American directors.

Moreover, the implementation act handles the financial aspects of the Canal operation in what I consider an unworthy, niggling spirit. For example, the Treaty provides *inter alia* for a payment to Panama of up to $10 million a year if the profits from operations are sufficient. The House made such a payment highly unlikely by insisting on a prior annual interest payment to the U.S. Treasury for the unamortized cost of building the Canal (a cost the U.S. economy and the American people had recovered many times over in benefits deriving from the 1903 treaty). In this and other ways, the House—stressing its solicitude for the U.S. taxpayer—nailed down a number of financial provisions in a less than generous—some might say unfair—manner.

Public Law 96–70 is biased in many other ways which make the administration of the Canal more difficult, and which seem to me to be inconsistent with the spirit of goodwill that resulted in the signing of the treaty. The Panamanians, in fact, have charged that some of the law's provisions actually violate the treaty. We do not think that is true, and I think we are on sound legal ground in that regard. But if an unfriendly executive were ever to try to administer the law in an obstructive or an inflammatory fashion, it would be easy to do so.

Murphy's Law *(Richard R. Wyrough)*

As already stated, the sponsor of the implementing legislation that was introduced in the House to supplant the administration's proposed bill was Congressman Murphy of New York, a strong opponent of the treaties. The fate of the implementing legislation rested more in his hands than in the hands of any other single senator or congressman. Our task was to get a bill that would get through both Houses which did not violate the treaty. Throughout that long year of working on the implementing legislation, and, in fact, ever since, we have had to say to the Panamanians, "Look not at what we can do, but at what we actually do." We have consistently taken the position that everything that we do, indeed, is in compliance with the treaties. However, many believe that Public Law 96–70, Murphy's Law, as the Panamanians like to call it, comes close to violation of the spirit of the treaty, if not the letter.

The Effect of Public Opinion on the House
(Michael G. Kozak)

The essential problem in the House of Representatives was that most congressmen did not want to have to deal with the treaties at all because they were unpopular. In fact, at one point we had asked the House leadership whether we should draft the treaties so that the House would have a role in approving them, and they said, "No, for God's sake, we don't want to have to touch that one." When we finally came to the House with the implementing legislation, the attitude of the typical congressman was, "How the hell could you guys and those no-good Panamanians put *me* in the position where I've got to vote on a piece of legislation that has any connection to those damned treaties." It was an emotional reaction, as Colonel Jackley said. Most of them realized that this was a technical piece of legislation; it had no bearing on the treaties other than it was necessary to keep the Canal running. And yet there was a lot of animosity. It was as if congressmen tried to devise implementing legislation that would frustrate the executive branch and the Panamanians just to get back at them for forcing Congress to vote on this unpopular issue.

One of Col. Jackley's jobs was to visit all the congressional offices that would permit him in the door and apprise them of the views of the secretary of defense on the impending legislation, which is a lawful type of visit. He told me that on numerous occasions when he finished his presentation, the congressman would turn to him and say off the record, "You're right. The secretary of defense is correct. You need that bill and the bill is basically good. It will do what you say it will do and I hope that you get it passed, but you are going to do it without my vote." The mail back home just would not permit it.

6. HOW THE TREATIES ARE WORKING

The Treaties in Action *(Richard R. Wyrough)*

It is not easy to assess how the treaties are working. Four and a half years after they entered into force (and almost eight years after they were negotiated and signed in September of 1977), how do they stack up? How have they functioned? What do we think of them today and what are the problems that we see ahead?

The treaties have worked quite well. The fact is that Panama is not very much in the headlines today, in great contrast to the rest of Central America. Indeed, one hears Panama described as an "oasis of tranquility." That may be a slight exaggeration. Panama does face certain severe political problems today, but not because of the treaties. However, in comparison with the rest of the area, the problems that the State Department deals with on a day-to-day basis concerning Panama are very much the routine.

Probably the biggest problem that we have faced in the last four and a half years of treaty implementation has been the success of the Panama Canal operations under the new treaties. For a substantial period of time since the new treaties went into effect, there have been more customers than we can accommodate. Another of our problems has been the relationship with the U.S. Congress. For the last several years, Congress, having devoted so much time to ratification and implementing legislation, really has not wanted to hear about Panama at all. And yet, the implementing legislation is flawed and needs to be changed. The principal oversight committee in the House, the House Merchant Marine and Fisheries Committee, has not seen eye to eye with the administration on this issue. Michael Rhode, the secretary of the Canal Commission, works hard trying to correct that situation and has achieved some degree of success, especially in the last couple of years, in overcoming an atmosphere of suspicion and doubt. It is absolutely necessary, of course, to effect the changes in the law that we want before we turn the Canal over to Panama. It is particularly important between now and the year 2000 to change the form of the entity to a government corporation so that the Panamanians can continue to operate the Canal in the manner that the United States has operated it.

During the long period of the negotiation of the treaties, the principal interest of the U.S. government was to insure a Canal that would function effectively and efficiently. The government was prepared, if necessary, to give a slightly lower priority to the question of the future U.S. military presence; the negotiators correctly recognized that it was impossible in 1977 to secure Panama's approval of a treaty that satisfied our various other interests and also provided consent to a continuing U.S. military presence in Panama after the year 2000. If there has been any change in the last couple of years, it is with respect to our perception of the relative priority of these interests; only time will tell how these judgments may change between now and the year 2000.

The United States must look to the future of the isthmus. Will it be able to serve our commerical and security needs after the year 2000, as far as the transit of goods and services is concerned? At present we are preparing, with Panama and Japan, to undertake a study of long-term alternatives to the Panama Canal. A small sum of money in the budget of the Department of State for fiscal year 1985 constitutes the U.S. share of the first-year costs of such a study. The group studying the alternatives will look not only at expensive options like a sea-level canal, which people in this country view as probably too elaborate to build, but also at smaller alternatives, such as a third set of locks that would accommodate bigger ships than can now use the Canal, or some modification of the existing Canal supplemented by non-hydraulic instruments, pipelines, slurry lines, or container efforts.

Looking to the Future *(Michael Rhode, Jr.)*

I came on the Panama scene in late 1978. As secretary of the Canal Commission, I spend a great deal of my time on Capitol Hill, especially in February and March, trying to get appropriations through to operate the Canal for the next fiscal year. Interest has waned considerably since 1978. At that time, a hearing on the Panama Canal meant standing room only with long lines outside. Now Canal Commission representatives go into our hearing and there is nobody there. That is a good sign so far as we are concerned; however, in all the years we have been working with the Hill on the Panama Canal, we have yet to get an authorization bill passed by the House of Representatives. There is still some reluctance to vote on a Panama Canal issue.

In February of 1984, the Commission was able to get through the first change in Public Law 96–70, a very short paragraph which gives the chairman of the board the right to use one proxy in our board meetings. Heretofore, we were very tightly controlled in that all five members of our U.S. board had to be present in order to have a board meeting. If one member became ill at the last minute, we could call off the board meeting or call Panama and ask them to have one of their members conveniently absent so that the United States could have a majority. Luckily we have not had to do that, but we have had some very close calls. Now, with this change in the law, the United States has a little flexibility.

The operation of the Canal is going very well. The first several years after the treaty, records were set on the amount of tonnage passing through the Canal. In fiscal years 1980, 1981, and 1982, new records were set on tonnages through the Canal. However, with the advent of the pipeline across Panama, and the current recession in the shipping industry, last year tonnage through the Canal fell dramatically. Although we were able to cut our expenses considerably, we did end the year with a $4 million dollar shortfall in revenues.

Mr. Rhode is the Secretary of the Panama Canal Commission. He was formerly the Military Assistant for Panama Canal Affairs for the Assistant Secretary of the Army and was involved in the preparation and coordination of the legislation implementing the Panama Canal Treaties.

Financially, our objective each year is to break even. We operate the Canal with the revenue that we receive from moving a ship from one ocean to the other and have done fairly well in meeting that objective. The first year we had a slight profit; the second year a loss—it has been back and forth. We are using austerity measures now in the Panama Canal because of the lack of shipping. Fiscal year 1982 was a fantastic year, but there were times when we had backlogs of five days for ships waiting to transit the Canal. Therefore, we turned to improving the capacity of the Canal and now have the capability of sending 42 to 44 ships a day through on a sustained basis. We believe that the capacity will meet the demands of international shipping until the mid–1990s. There is currently a study underway to widen the cut so that we can have two-way traffic. That would enable an additional ten vessels a day to transit and should provide sufficient capacity well past the year 2000.

The financing of the Panama Canal is rather unorthodox. Our revenues are placed in a special fund in the U.S. Treasury; we cannot spend those revenues until the Congress appropriates them back to us. It is a difficult situation. Actually we spend about $5 million more dollars annually because we are an appropriated fund agency. We have to track appropriated fund financing for the Canal so that we can respond to the Congress. At the same time, we have another financial section that operates by generally accepted accounting principles so that we can determine whether or not we are charging enough to break even on the operation of the Canal. That is a very expensive proposition. But I am not at all sure that the time is yet right to go to the Congress and ask that the agency be changed to a government corporation. While support for the operation of the Canal is on the increase in the House, we still have some formidable adversaries there.

Success of the Treaties *(Michael G. Kozak)*

A couple of years ago I asked a Panamanian official how the treaties were going from Panama's standpoint. He said, "Well, you know, before the treaties we used to have the students demonstrating about once a week. They'd march past my office and go down to your embassy and chant and put up placards. Sometimes they would put paint on the wall. Now they only demonstrate about once a month and when they do, they're outside my office complaining about the political system and the economy. They don't go down to complain about the Canal anymore." He said, "I've tried to use the technique that my predecessors did of blaming everything on the gringos and on the Canal and so on but it just plain doesn't work anymore. You can't get anybody interested in the Canal; you can't get them excited about the United States. I'm taking all the heat now."

I think the treaties did what they set out to do.

Another example is the 1984 presidential election campaign in Panama, the first direct presidential elections in Panama since Torrijos took power in 1968. This was the first election campaign in the history of Panama in which the United States was not an issue. That, perhaps more than any other single circumstance, is evidence of the success of the treaties thus far.

The Success of Diplomacy *(William J. Jorden)*

We owe a great deal to the wisdom, skill and dedication of the Americans and Panamanians who are responsible for running the Panama Canal. Despite the obstacles the House erected to good management and better relations, those people on the waterway have been doing what was intended in the first place—keeping the Panama Canal open, efficient and available to us and to the commerce of the world.

Perhaps some future President and Congress will have the wisdom and courage to undo the House's mischief and make the task of people of goodwill a little easier rather than harder. In the meantime, the Canal is open and operating—which it would not be if the Treaties of 1977 had not been written or not been approved. Panama appears today to be the one place in Central America where U.S. diplomacy succeeded. Unhappily, most Americans do not even realize it.

CHAPTER II

MEDIATION ATTEMPTS IN THE FALKLAND/MALVINAS ISLANDS CRISIS

1. INTRODUCTION

(Douglas Kinney)

The Falklands/Malvinas* crisis of spring 1982 concerning sovereignty over islands in the Scotia Sea in the South Atlantic offers several distinct but interrelated case studies in negotiation and third-party mediation of international conflict. Attempts at averting or moderating war ran the full gamut from bilateral negotiations and General Assembly resolutions to third-party and Security Council "preventative diplomacy" through classic American shuttle diplomacy by the secretary of state, an attempt at settlement by Peru, and, finally, extended negotiations under the auspices of the secretary-general of the United Nations. Each of these efforts was itself a textbook example of peacemaking. The two parties negotiated for a decade and a half. After the first use of force the peacemakers had weeks, indeed months, to avert bloodshed—a thousand hours between the landings of Argentine and then British warriors.

Mr. Kinney is a U.S. Foreign Service Officer with specializations in European and Latin American politics. As a Chapman Cox Fellow at Georgetown he taught international negotiation as an assistant of the University's Institute for the Study of Diplomacy and wrote *National Interest/National Honor: The Diplomacy of the Falklands Crisis* (New York: Praeger, 1985).

*The islands are generally referred to as the Falklands throughout this report, since that is the name by which they are known in English. The Spanish geographic term is *Islas Malvinas*, from the French *Isles Malovines*.

Yet war came, as it has over 200 times since 1945. This armed conflict grew out of centuries of territorial disputes of the kind that pervade the modern world (especially the New World) and that have led to less and less inhibited resort to force by nation-states. The conflict was also rooted in British representational democracy, politics, defense, and world view; the particular nature of Argentine history and the pace of her politics; in the inconsistency and unreality (abetted by the radical nonaligned states) which is the field of U.N. political activity called decolonization; and in the mutual, longer-run failure of political and diplomatic imagination and courage on the part of both parties, their friends and the nation-state system.

The diplomacy of the Falklands crisis includes several major stages:

1. Conflicting claims and military conflict since the European discovery of the New World.
2. U.N. consideration under the rubric of decolonization and dependent areas.
3. Seventeen years of bilateral negotiations (accompanied by the threat and use of force and political "guerrilla warfare" by Argentina).
4. Attempts at preventive diplomacy by the United Nations and the United States.
5. Three major mediations between the Argentine military government headed by Gen. Leopoldo Galtieri and the British government of Prime Minister Margaret Thatcher:
    - American Secretary of State Alexander Haig, in a classic Kissingerian shuttle;
    - Peruvian President Fernando Belaunde Terry in a tandem interlocutor role with Haig, principally by telephone; and
    - U.N. Secretary-General Javier Perez de Cuellar, in the exercise of good offices at U.N. Headquarters in New York.

The third party mediations each came close to avoiding war if not achieving peace. Tragically, none worked. One is struck by the common elements of each of the three major proposed settlements and the common inhibitions to settlement: the mechanics, the specific proposals, and the escalation of military events proceeded in parallel with the negotiations.

Negotiating style and other intangibles seem to explain why one mediation came closer than another as much as do the specifics of the proposal.

The diplomacy of the Falklands crisis raises more questions than it answers. It was a highly visible but little understood political crisis which led to a war. Although it took a lot of people by surprise, it was not a unique event. It is part of a pattern of brushfire wars that has prevailed roughly since World War II and is destined to increase. States or entities which would form or take over other states or territories are resorting more and more to armed, centrally directed military violence. Unless rethought and checked, the use of violence in the name of claimed territory long separated by old injustices will expand for the foreseeable future.

Today more attention is being given to "resolving" some fifty territorial situations, many long dormant either because the concerned people or state previously lacked the ability to influence the situation or in some cases because it lacked the very independence or sovereignty from which to assert its claim. Given the sad track record of third-party mediations in the 20th century, resolution, if any, is usually by force.

Traditional legitimization of force in the name of territorial integrity is based on an appeal to raison d'etat combined with ethnic nationalism, actual or in the name of countrymen displaced from disputed territory. The most legitimate form of irredentism in this view concerns territory taken by colonial or imperial powers, usually in the last century. The present population or the actual state of political development is less important than geographic proximity. Self-determination is subordinated to claimed territorial integrity by the United Nations and nonaligned majorities. This school of thought, opposed to a mainstream law-and-order school of thought about matters territorial, has become more pronounced with the radicalization of the nonaligned movement.

A further permissive factor is the new generation of lower cost, "smart" electronic weaponry. This "superweapon" syndrome tends to make proximate territory seem more seizable.

Absent more realistic and constructive solutions to felt grievances about territory, these trends point to more territorial wars, at least for the remainder of this century.

In the case of the Falklands, where the parties have come since the crisis gives one hope but not optimism. The parties have met bilaterally and debated at the U.N., but seem no closer to productive negotiation much less settlement. There are ways to harmonize or delink national interest and national honor but territorial questions limit them. British confidence-building measures, such as lowered force levels, a sharing of resources and—eventually—a U.N. peacekeeping force (at British request), and Argentine internal legislation *as though sovereign* might be some of the unilateral first steps and the best hopes for lowering Britain's costs and perceived threat level, moving Argentina toward patience and realism, and leading to a negotiating framework in which more practical solutions such as lease-back and new, imaginative definitions of sovereignty could again be discussed.

2. THE HISTORICAL SETTING

(Nina M. Serafino)

Accounts of the history of the Falklands are often conflicting and more often incomplete. Any short history is bound to be selective and therefore open to dispute. However, a number of thematic areas can be examined to show how the conflicts over sovereignty have developed. The first area is the legal aspect and legal claims to sovereignty of Britain and Argentina to the Falklands. The second is Argentina's parallel track of maintaining diplomatic and military pressure in pursuing its claims to the Islands. The third refers to the practical aspects for Britain of maintaining sovereignty and to British attempts to find an equitable way to relinquish it while assuring that the wishes of the Falkland Islanders were respected. I will also mention briefly the interest involved in maintaining or securing claims to sovereignty over the Islands.

Ms. Serafino is an Analyst in Latin American affairs with the Congressional Research Service of the Library of Congress. She was responsible for information in the Falklands/Malvinas crisis from the Latin American perspective. In 1976 she worked in Buenos Aires as a reporter on the Buenos Aires *Herald*.

Legal Aspects*

The law on sovereignty is unsettled and evolving. In fact, the Falklands crisis is one issue in the evolution of international law on sovereignty. Several principles are asserted as a basis for claiming sovereignty over an area: discovery, secession, domination, and long and peaceful occupation. However, all have their limits according to legal experts, and none are universally accepted in all cases.

A legal analysis of Britain's claim to sovereignty shows that it has a *strong* but not a *conclusive* claim to sovereignty over the Falkland Islands. The claim is not conclusive because Argentina's claim is considered stronger at the time that Argentina was ousted in 1833. At that time Argentina was attempting to perfect its claim over the Falkland Islands. Furthermore, it has continued to protest the British settlement straight through to the present time. There are assertions that are regarded highly by legal specialists that Argentina had a legitimate counterclaim to the Islands and still has.

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* The discussion of the legal aspects of sovereignty is based on the work of Raphael Perl, a lawyer and Specialist in International Affairs with the Congressional Research Service. Perl is the author of *The Falkland Island Dispute in International Law and Politics: A Documentary Sourcebook* (Dobbs Ferry, NY: Oceana Publications, 1983). The historical discussion is based on several, sometimes conflicting sources. Among these are the following: Great Britain Colonial Office, "Falkland Islands and Dependencies, Report for the Years 1958 and 1959" (London: Her Majesty's Stationery Office, 1960); "Malvinas Islands," Statement by the Representative of Argentina, Dr. Jose Maria Ruda, before the Subcommittee III of the Special Committee on the Situation with regard to the implementation of the declaration on the granting of independence to colonial countries and peoples, New York, September 9, 1964; Peter J. Beck, "Cooperative Confrontation in the Falkland Islands Dispute: The Anglo-Argentine Search for a Way Forward, 1968-81," *Journal of Interamerican Studies and World Affairs*, Vol. 24, No. 1, February 1982, pp. 37-58; Richard Johnson, "The Future of the Falkland Islands," *World Today*, June 1977, pp. 223-231; J.C.J. Metford, "Falklands or Malvinas? The Background to the Dispute," *International Affairs*, July 1968, pp. 463-481; Harold F. Peterson, *Argentina and the United States, 1810-1960* (State University of New York, 1964); and the history contained in the introductory and analytical chapters of Perl's work cited above. The later discussion of political aspects of the search for a solution is based on the manuscript of Douglas Kinney's *National Interest/National Honor: The Diplomacy of the Falklands Crisis* (New York: Praeger, 1985).

Part of the controversy concerns the date of discovery. The Spanish and subsequently the Argentines maintained that the Islands were discovered in 1520 during one of Ferdinand Magellan's trips. They contend that the maps used in subsequent years by Spanish navigators showed the Islands. The British, however, argue that those maps are hardly conclusive and that the Islands were discovered in 1592 by John Davis, an English explorer.

Spain based its original claim on rights granted by Papal Bulls and the 1494 Treaty of Tordesillas which divided the western hemisphere into Spanish and Portuguese claims. This treaty was not accepted by the rest of Europe. Spain also maintained that Britain and other countries recognized the Spanish claim throughout the 1600s and 1700s through various treaties. Argentina believes that it took over the Spanish rights when it gained independence from Spain. The British, however, hold that they never recognized the Spanish claims to the Islands and therefore did not subsequently recognize any Argentine claims based on the Spanish claim. Britain basically asserts its rights first on the basis of discovery and then later on the basis of settlement.

The Falkland/Malvinas Islands Crisis

Key Dates

Background

1816	Argentina declares its independence from Spain.
1820	Argentina claims sovereignty over the Islands.
1826	Argentina resettles the Islands; Britain protests Argentina's claim of sovereignty and resettlement.
1833	Britain evicts Argentine authorities on East Falkland and installs a British governor; British occupation is contested by Argentina.
1945-47	Argentina asserts its claim to the Islands at the U.N. Charter Conference in San Francisco and at the Rio Treaty Conference of the Organization of American States.
1965	U.N. Resolution 2065 calls for Britain and Argentina to proceed with negotiations on sovereignty.
1965-82	A series of bilateral negotiations are held with the key issue of sovereignty unsettled.

The 1982 Crisis

March	New round of negotiations begins; Argentina Ruling Junta claims negotiations have broken down and hints it will assert its claim by other than peaceful means. • Argentine scrap metal recovery crew lands in South Georgia and raises Argentine flag. • Britain asks for removal of crew and sends *Endurance*.
April 2	Argentina reasserts its claims of sovereignty and invades Islands to secure claims.
April 3	U.N. Security Council Resolution 502 calls for end to hostilities and withdrawal of Argentine forces.
April 5	Britain dispatches large naval force to the Falklands.
April 7	U.S. mediation initiative begins (directed by Secretary of State Alexander Haig).
April 11	Peruvian mediation initiative begins.
April 28	OAS Foreign Ministers' Meeting supports Argentina's claim to sovereignty and calls for a truce and withdrawal of forces.
April 30	Secretary Haig announces U.S. support of Great Britain. • U.N. secretary-general's mediation initiative begins.
May 2	British naval forces sink the Argentine cruiser, *General Belgrano*.
May 20	Prime Minister Margaret Thatcher announces collapse of U.N. mediation attempt.
May 21	British troops land in East Falkland.
June 14	Argentine forces surrender.

While a number of international law specialists agree that the Spanish claim was superior up to the period that Britain left its first settlement on the Island in 1771, they judge that the more pertinent events are those that occurred after the discovery period, with the initiation of the settlement period.

One undisputed fact is that the first settlement was founded not by a Spaniard or a Briton, but by a Frenchman, Viscount Louis-Antoine de Bougainville, in 1764. He established a settlement at Port Louis on Berkeley Sound on the East Falkland Island. The settlers came from Nova Scotia in Canada and from Saint-Malo. This is the origin of the Spanish term for the Islands, Islas Malvinas, because these people were called *les Malouines* after their place of origin.

Two years later in 1766, a British settlement was established at Saunders Island near West Falkland at Port Egmont.

According to one account, this was a response to the French settlement. The site and the surrounding islands had been claimed the year before by British Commodore John Byron. His subordinate, Captain John McBride, returned in 1766 and established a settlement with about 100 people. Apparently disturbed by the intrusion of the French and the British settlers on the territory that it claimed, Spain bought out the French settlement at Port Louis in October of 1766, named a naval captain as governor, and declared the Islands to be dependencies of the captaincy of Buenos Aires and under the jurisdiction of the viceroy of La Plata. Spain claims that a treaty of succession of the Islands reaffirmed its sovereignty. The name of the settlement on the East Falkland Island was changed from Port Louis to Puerto Soledad.

In 1769 in a further act of sovereignty, Spain warned British settlers to leave Port Egmont. When they ignored the warning, the Spanish intendant in Buenos Aires sent some 1,400 soldiers to occupy the settlement and expelled the British in 1770.

Britain, France, and Spain nearly came to a war over the expulsion, but the only battles that they fought proved to be diplomatic. The upshot of those battles was that Spain returned the fort and port called Egmont to the British in 1771, claiming however that it was reserving its right to sovereignty. The British established a naval garrison at Port Egmont but abandoned it in 1774 because it was too expensive to maintain. They left behind a lead plaque which supposedly affirmed their sovereignty over all the Islands.

The Spanish maintained their settlement at Puerto Soledad until January, 1811. It appeared to be mainly used as a penal colony. The Spanish appointed governors and kept a garrison there, but in 1811 they withdrew the garrison on the order of the viceroy of La Plata. Events in Europe had caused the Spanish royal family to lose contact with its colonies, and the person who was left in charge decided to remove the garrison.

For the next few years, the Islands were uninhabited, although they were used as a temporary resting place by sealers and whalers of various nationalities. Then, in 1816 Argentina declared its independence from Spain and in 1820 sent a U.S. citizen, David Jewett, commanding the frigate *Heroina* in the employ of Argentina, to claim the Islands for the new country. The Buenos Aires government appointed a governor in 1823. Not until 1826, however, were the Islands resettled. In that year, Louis Vernet, a businessman who had obtained a land grant two years earlier with exclusive fishing, sealing, and cattle raising rights, established a new settlement at Puerto Soledad. In 1829, the Buenos Aires government named him commandant of the Political and Military Commandancy of Puerto Soledad with jurisdiction over the Falklands and all adjacent islands.

Not surprisingly, the British protested the Argentine claim and the Argentine settlement.

In 1831, because of continuous problems with what he considered poaching in his territory, Vernet seized two schooners and the cargo of sealskins from a third American schooner. The U.S. chargé d'affaires in Buenos Aires was angered by Vernet's action. His anger was shared by Commander Silas Duncan of the U.S. warship U.S.S. *Lexington* which was sailing up the Rio de la Plata at the time of the incident. Duncan regarded Vernet's act as piracy, and, according to one account, to retaliate he sailed into Puerto Soledad under a French flag, forced some Argentines on board, arrested them, destroyed the settlement, and declared the lands free and open territory.

This act by Duncan led to a break of eleven or twelve years in U.S.-Argentine relations, and it provided a basis for Argentine rancor against the United States. Argentina claimed that the U.S. action weakened the Argentine settlement and made it easy prey for the British ouster two years later. It is important to note that, at the time of the Duncan incident, the United States refused to recognize Argentine sovereignty. One of Britain's claims to sovereignty is that when it occupied the Islands, its claims were clearly recognized.

In September of 1832, the Buenos Aires government appointed an interim commandant, Juan Mestivier, who took charge of the penal colony on East Falkland. In January of 1833, the British evicted the Argentine authorities on the island, hoisted the British flag and, a year later, installed a British governor. This was the beginning of the British continuous settlement of the Islands.

Argentina Protests British Occupation and Pursues Its Claim

The British occupation was immediately contested by the Argentines. In 1833 the Argentines twice protested the evictions to the British chargé in Buenos Aires. When that drew no response, the Argentine representative in London filed a formal note of protest. Argentina also pressed claims throughout the 19th century for reparation from the United States for the resulting problems and from Duncan's activities.

Argentine protest to the British settlement took on a new intensity in 1884 when Argentina was pressing southward and settling its claims and disputes with Chile in the Patagonia area. Apparently, at that point, a reassertation by Argentina of its claims to the Falklands on the basis of proximity or contiguity was part of its desire to establish its southern borders.

Throughout the early years of the 20th century, Argentina followed a dual track to press its claim: diplomacy and acts of occupation of some of the dependencies of the Falklands. In 1904, the Argentine government took possession of a meteorological station in the South Orkneys, one of the island chains of the dependent islands of the Falklands, and set up a post office branch there. Later in the year, an Argentine fishing company began construction of a whaling station on South Georgia Island. The following year the company, under authorization from the Argentine government, set up a meteorological station that operated through 1943.

From 1925 until 1927 there was again strife between Argentina and Britain over possession of the dependencies. At that time Argentina constructed and put into operation a telegraph station on Laurie Island in the South Orkneys. The British protested and Argentina reasserted sovereignty.

The post–World War II era offered Argentina new opportunities to press its claims in the newly forming hemispheric and international organizations, principally the United Nations. At the 1945 San Francisco conference, the Argentines asserted their claim to the Falklands in a reservation to the charter creating the United Nations. Another Argentine reservation at the Rio Treaty conference of the Organization of American States in 1947 noted Argentina's claims to the Falklands, the South Georgias, the South Sandwich islands, and the Argentine Antarctic. Argentina considered the 1960 U.N. General Assembly adoption of Resolution 1514, which called for the decolonization of the world, a national triumph. The resolution spoke of people's rights to self-determination and also to the right of territorial integrity. In the case of the Falklands, these might seem to be conflicting principles. The Argentines have resolved the conflict, however, by claiming that the Falkland Islanders are not a people, they are merely colonists with no right to self-determination. For the Argentines the reigning principle is territorial integrity. They believe that the Falklands are an extension of their territory in the South Atlantic.

In 1964, Argentina again reasserted the claim to sovereignty, on the basis of contiguity and territorial extension, in a U.N. subcommittee established by the resolution on decolonization. The Argentines claimed the Falklands were part of their territorial shelf.

In December of 1965, the Argentine dispute was specifically recognized by the U.N. General Assembly in Resolution 2065, which called for Britain and Argentina to proceed with negotiations toward the peaceful solution of the problem, bearing in mind the interests of the Islands' population. (The word used was "interests." To the Falklanders "interests" does not mean self-determination, but merely security and other such matters. The British, however, have come to use the phrase the "wishes" of the island's population, which means specifically their desire or non-desire for sovereignty by the Argentines.)

The British Exercise of Sovereignty and Its Problems

The overwhelming majority of the Islands' inhabitants since 1833 have been British or of British descent and reportedly have enjoyed their status as subjects of a British colony. The early settlers were attracted by the possibilities of selling the hides of wild cattle. The founder of the Falkland Islands Company, which came to own 46 percent of the land and half the 650,000 sheep on the Islands and to employ one-third of the workforce, reportedly set up the company under a British charter in 1851 to domesticate the wild cattle. In the 1860s, the company switched to sheep-raising. That became the Islands' major economic activity by the 1880s. In 1982, wool was the Islands' major export, bringing a reported $6 million annually.

The Falkland Islands Company was one of several large and apparently mainly absentee landowners which owned most of the Islands' territory and contracted managers to handle their operations. The population reportedly declined from a high of 2,400 in 1931 to some 1,800 in 1982 because people did not have the opportunity to own their own land and businesses. (One of the recommendations of the 1976 Shackleton report to the British government was to break up the large landholdings.) The status of many of the Islands' inhabitants as wage laborers hired by a few large companies gave rise to Argentine contentions that the Falkland Islanders could not claim to be a people with rights of self-determination, as they were mere employees of colonial companies.

Socially, culturally, and politically, however, the Falkland Islanders considered themselves British. They enjoyed what they considered their democratic political institutions and disdained Argentina's political tradition and its military government. Although the governor of the Islands was appointed by the British Crown, the Islanders elected (by universal adult suffrage) six of the eight members (the other two held ex officio posts) of the legislative Falkland Islands Council. The legislative council in turn elected two of the four official members of the executive council that advised the governor. Many islanders, even those whose families had lived for generations on the Islands, reportedly referred to Great Britain as "home."

Although officials of the British government, according to some accounts, privately raised questions during the early 1900s about the legitimacy of British claims of sovereignty over the Islands (it seems there was a private dispute within the British Foreign Office as to how firm the British claims were), the British continued to maintain their rule over the Islands. Some time in the mid-1960s, if not earlier, however, the practical aspects of exercising sovereignty over a distant and not a particularly profitable colony also became problematic for government officials in Britain, and they sought to resolve the dispute with their longstanding trading partner. Indeed, one of the reasons the dispute never came to a head in previous years was that both sides wished to maintain the trading relationship. It also became clear that, although the Islands' resources might be exploitable through modern technology, the dispute stood in the way of any such exploitation.

In 1966, Argentina and Great Britain held the first talks pursuant to U.N. Resolution 2065. After the official talks, a British official suggested informally that the Argentines woo the Falkland Islanders, convincing them of the benefits of affiliation with Argentina, but the Argentines apparently did not immediately respond to that suggestion.

Also in 1966, the British proposed a freeze on the question of sovereignty for 30 years, at which point the Islanders would decide what country they wished to belong to. The next year, the British took a further step and informed Argentina that Britain would cede sovereignty under certain conditions, the foremost of which was the Islanders' acceptance of the Argentine government's authority. Thus, for the first time it appeared that sovereignty was a negotiable item to the British.

In an apparent attempt to ease the Islanders into a transfer, the British also began talks with them in 1967 about ways to safeguard their interests in a transfer of sovereignty. Both the Islanders and the Argentines objected to the tack that the Britains were taking. The Islanders refused even to consider Argentine sovereignty, and the Argentines rejected the notion that the Islanders had any rights in the matter. The British position became that sovereignty was not negotiable without the Islanders' approval. Despite its feeling that the Islanders had nothing to say about the future status of the Falklands, Argentina soon embarked on a policy of increasing ties with the Islanders.

In 1971, Argentina and Britain adopted a communications agreement under which Argentina began to provide mail and transport services to the Islanders. Contacts increased as communications and transport improved. The Islanders were given documents to allow them to travel freely to Argentina and offered reciprocity on taxes, exemption from Argentine military service, scholarships, and mail, telephone and telegraph services. However, these concessions apparently did not promote any changes in the Islanders' attitudes, specifically because, by this time, the Argentine government had come under military rule.

In 1974, the British tried a new tactic by raising the possibility of a condominium solution, but backed off when the Islanders objected. Meanwhile, Argentina had begun supplying oil to the Islands and extending further services. The possibility of a leaseback arrangement apparently was first raised about 1976. During 1976, private talks continued—this time with the military government that had taken power in March.

The military junta continued to pursue remedies through the United Nations as well as through talks with the British. It also took up an earlier British suggestion that Argentina occupy the uninhabited dependencies of the Falklands by unilaterally establishing a scientific base on the Southern Thule Island in the South Sandwich chain. The British, because of the unilateral nature of the action, protested privately that the establishment of the station was a violation of British sovereignty and called for its removal. The establishment of the station is seen by some analysts as an attempt by Argentina to test British intentions. Any British attempt to oust the station was to have been met by a military and diplomatic response, but since the British did not respond and tolerated the station through 1982, the negotiation process went on.

In 1980 Argentina and Great Britain agreed to cooperate in scientific research of the economic potential of the dependencies. The last British government suggestion of a means to extricate Britain from the Falklands was a leaseback, which would cede sovereignty to the Argentines, but leave the British administration—up to 99 years, according to one suggestion. The British government began actively to pursue this concept in 1979, but again met with resistance from the Islanders to talk of transfer of sovereignty.

The Islanders' position was supported in the House of Commons where the Falkland Islands Company has maintained a strong lobby. The Falkland Islands controversy had become for Parliament a strong emotional issue of British respect for the principle of self-determination.

In November of 1981, the Falkland Council voted seven to one that Britain and Argentina should freeze sovereignty negotiations because sovereignty was not a negotiable item. This effectively foreclosed British options in negotiations and led to a stalemate. However, a new round of negotiations began in February of 1982. At that point, the Argentine Foreign Ministry seemed content with an agreement to schedule regular meetings, to include sovereignty in a list of negotiable items, and to reach an agreement to resolve the situation within a year. The British accepted this compromise position, but the Argentine military junta rejected it. On March 3, the junta hinted that it felt itself free to assert its claims by other than peaceful means because of what it termed a breakdown of the negotiations.

This was one hint that Argentina was considering military action, but it was not the only hint. Indeed, one of the reasons the controversy broke into war was that both the British and the Argentines were sending conflicting signals.

Argentina Asserts Its Claims

For years, Argentina had asserted its claims by shows of force in the Falkland waters in tandem with its diplomatic measures. Some of these incidents took place at the beginning of the century—the establishment of the wireless and whaling stations in the dependencies, for example.

In the late 1940s, when Argentina began pressing its claims through diplomatic channels in the newly formed international organizations, the Argentine Navy carried out major maneuvers in the Atlantic-Antarctic area. In 1956, Argentine naval personnel summered on one of the islands of the Southern

Thules. In 1964 and again in 1966, there were two incidents in which Argentines landed without permission at Port Stanley. These incidents were disavowed by the Argentine government, but there were rumors at the time that at least some government officials were involved in them.

In the 1970s, Argentina dropped hints at various times that an invasion was under consideration. These hints apparently hit a high point during the 1976 research survey of the Islands conducted from the British research ship, the *Shackleton*, as it cruised in Falkland waters.

In February of 1976, the Argentine destroyer *Admiral Storni*, fired over the bow of the *Shackleton* when its demand to be allowed to board was refused. (The *Shackleton* was in Argentine territorial waters.) The *Storni* shadowed the *Shackleton* as it headed for Port Stanley, but eventually backed off. Later in this year, the Argentines established, then reinforced, the scientific station on Southern Thule. As Argentina's dispute with Chile heated up in 1978, the Argentine Navy established a strong presence in South Atlantic Waters.

To the British, Argentine behavior in 1982 seemed a reflection of a longstanding Argentine practice of punctuating the negotiating process with hints and displays of military resolve. When an Argentine scrap metal recovery crew landed in South Georgia Island on March 19, 1982, and raised the Argentine flag, it may have seemed part of this pattern. The British asked that the crew be removed, but, instead of complying, the Argentines reasserted their claims of sovereignty over the Falklands and their dependencies and launched an invasion to secure their claims.

Interests Involved in Securing or Maintaining Sovereignty

Why are these islands so important to the contending parties? What interests do they have in pressing the sovereignty issue? First, sovereignty may or may not—according to one's interpretation of international law—reinforce claims to the Antarctic, and Britain and Argentina have overlapping claims to territory there. Second, there is the problem of precedence. If Britain should fail to resolve peaceably the dispute with Argentina over the Falkland Islands, that would set a precedent for Spain in its claim for Gibraltar. Third, there is the resource exploitation issue. Surveys have shown that there is oil and fishing resources around the Islands. (The oil is only a slim possibility: the configuration of the Islands' substructure indicates there might be oil there.) Fourth, for the British self-determination is a predominant issue. Britain realized it would be difficult and not in its best interest to continue to maintain sovereignty, but, failing to extricate itself from the situation in a way that would preserve the principle of self-determination, Britain finally felt it had to go to war.

There are cultural differences in how various countries understand principles and in how much importance they give to these principles. The Falklands case illustrates this. Argentina would not believe up until the very end of the mediation that Britain would actually stand up and fight for the Falklands. For Anglo cultures, a first principle is protecting the rights of the minority. This principle is given much less weight in most other countries in the world, where the concept of the state is different and a primary principle is the preservation of the collective welfare as represented by the state. From the Argentine perspective, it apparently was irrational for Great Britain to allow its national welfare to be held hostage to the wishes of 1,800 people on a distant island, thus endangering the state as a whole.

3. RISING TENSIONS: 1981 TO APRIL 2, 1982

The Argentine Point of View: Seventeen Years of Fruitless Negotiations *(Jose Maria Otegui)*

By the early 1980s Argentina had already been engaged with the United Kingdom in 17 years of bilateral negotiations. These negotiations had produced some important and fruitful results with regard to the well-being of the Islanders in matters of communication and supplies, education, health care—all of the services provided by Argentina. However, according to U.N. General Assembly Resolution 2065, the negotiations were supposed to be conducted to settle the sovereignty dispute and they had not done that.

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In 1980 and 1981 during the bilateral negotiations, there were a series of informal meetings between the Argentine delegation and the British delegations regarding sovereignty and the best way to take care of the interests of the British population on the Islands. All this was happening at the same time that the General Assembly was calling on the parties to settle the dispute on sovereignty. The Decolonization Committee of the United Nations did not apply the principle of self-determination to this case, recognizing that the principle of territorial integrity has precedence over self-determination. In fact, Argentine sovereignty over the Islands was and is recognized by a great majority of the countries of the World, including almost all the countries of the Western Hemisphere.

Unfortunately, the international system for the settlement of disputes, as it exists today, does not provide a peaceful way of settling a dispute when there is a stalemate in negotiations, if one of the parties to the dispute is a permanent member of the Security Council. In other words, the parties can negotiate for decades, as Argentina and Great Britain had, but, if one party does not negotiate meaningfully, the other cannot go to the Security Council and ask successfully for a settlement or for a political opinion because the one party has veto power.

Some analysts and researchers of the negotiations before the war believe that the British Foreign Office was persuaded two or three years before the war of the need to settle the sovereignty dispute, but for some reason was unable to convey the importance of the problem to the Cabinet or the Parliament. I know that there were many other pressing issues at the time. I know that the Falkland Islands Company lobby in Parliament was powerful. But the fact is that Argentina found the political will for settling the problem in the Foreign Office, but there was no follow-up.

Immediately before the war, there were some informal understandings. During the last round of bilateral negotiations, there was an informal understanding between Argentina and the United Kingdom on a timetable for negotiations on sovereignty. However, the rejection of this timetable did not come from the Argentine government. On the contrary, it was a proposal by the Argentine government that was accepted at the negotiation table by the British side but was later rejected. This event caused irritation on both sides. The Argentine proposal for a timetable on negotiations for sovereignty was accepted at the negotiating level but was later rejected at a higher level of government.

Then a minor incident of some Argentine workers in South Georgia was treated imprudently by London. The British government decided to send armed ships into the area. This reaction was a catalyst in Buenos Aires in a political environment already irritated by the rejection of the timetable for negotiations.

The British Point of View: No Settlement without the Islanders Concurrence *(Robert A. Burns)*

Over a number of years, Britain gradually withdrew its naval forces from the South Atlantic. Successive governments since about 1965 had actively sought a solution to the dispute over the Falklands through negotiations, while recognizing that any solution negotiated with Argentina would have to be acceptable to the Islanders. The fundamental objective was to devise a secure and prosperous future for the Islanders which would respect their own interests but not prove an unacceptable burden on the British taxpayer. Some good progress was made in building links with the mainland.

The trouble was that, as Argentine military strength increased, so did impatience in Buenos Aires at the apparent British unwillingness to discuss the transfer of the Islands' sovereignty. The British willingness to cede sovereignty under certain conditions, first conveyed to Argentina in 1967, had evolved by 1977 into a willingness to negotiate about economic cooperation and political relations, including sovereignty, providing that the Islanders were consulted throughout. Some form of ceded sovereignty with a leaseback arrangement was the obvious solution. It was not explicitly addressed as a principal candidate for an eventual solution, however, until the Thatcher government came into power in 1979.

By then, the British government was firmly committed in Parliament to the proposition that no settlement could be concluded which failed to respect the wishes of the Islanders. The nature of constitutional developments in Argentina over the years made it virtually impossible for anyone in London to contemplate handing the Islanders over to Argentina against their will. Indeed, there was very substantial opposition to the leaseback idea when it was first aired in Parliament in 1980.

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The Decline of Deterrence

Meanwhile, however, the British naval withdrawal from the South Atlantic had left the Islands increasingly vulnerable to military attack. The nature of the Argentine threat was changing. The periodic harassment of the Islands reflected a more aggressive Argentine military stance. Yet it must be admitted that the policy of negotiation endorsed by successive British governments provided a constant reason to postpone awkward decisions about whether to resume military defense of the Islands. It discouraged any military action to reinforce the Islands, since obviously to do so might bring an end to negotiations, and negotiations were believed to be the only procedure by which an ultimate accommodation with Argentina might be reached. During this period, according to the Franks Commission,* a number of particular events and decisions gave the impression of faltering British resolve: the closing of the British military base in Simonstown, South Africa, in 1974, the maintenance of only a very small garrison on Fort Stanley, the continual wavering over whether or not to keep the naval icebreaker *Endurance* there, the nature of the official response to the Shackleton report on the economic development of the Islands in 1976, the way Britain reacted to Argentine occupation of Southern Thule in the late 1970s, and the course of developments at the United Nations.

A meeting in the Foreign Office in the summer of 1981 looked at a number of options in the light of a recommendation that a sales campaign was needed to educate all those involved at either end of the Atlantic on the need for a negotiated settlement and to demonstrate to Buenos Aires the good faith of the British government. It was generally accepted that simply playing for time, except in a very short-term way, was not feasible, so three options were presented to Lord Carrington, then the Foreign and Commonwealth Secretary. One was to open negotiations on leaseback, with or without Islander concurrence or participation, but with the outcome remaining conditional on the agreement of the Islanders and the Parliament. The second was to embark on a public education campaign to educate Islander and public opinion about the facts of the situation, the consequences of a failure to negotiate, and the corresponding advantages of a leaseback solution. The third option was to let

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*The Commission, chaired by Lord Franks, was set up after the Falklands war to consider what had gone wrong.

Argentina conclude that the Thatcher government would not discuss sovereignty and to have in hand contingency action to deal with the consequences.

The first option, negotiating without the Islanders being committed in advance, would breach a longstanding policy and not prove acceptable to Parliament. The Islanders resisted the notion that their sovereignty should pass from the British crown to Argentina.

In the British system, one can never ignore the views of Parliament and the extent to which Parliament will be influenced by what it sees to be its duty to represent the interests of the people, in this case the Falkland Islanders.

Since the third option would only lead to military confrontation, the obvious way forward was a sales campaign. But the foreign secretary decided that that, too, was not possible. Not only would it be counterproductive, but it would not actually command enough political domestic support. So he decided to postpone a decision, and that effectively handed the initiative over to Argentina in 1981. When the British government had to respond to what it saw as a challenge over the scrap metal merchants in South Georgia, it was doing so in circumstances in which it was unable to back up its ultimata with any real force in the area. The Franks Commission is critical of the British government's decision to send in the *Endurance*, without adequate military back-up in the region, to warn off the Argentine people who had landed on South Georgia. The consequences of that are well-known.

What this story demonstrates is that, even if a country is negotiating, and even if it has what it believes to be an effective deterrence to hostile military action, it must keep watching to see that the effectiveness of its deterrence has not been eroded by changes in the other side's perception of its political will and room for maneuver.

Diplomatic Channels

The invasion was a surprise and a shock, not least because the British felt they were actually still engaged in active negotiations in good faith with the Argentine government. General Leopoldo Galtieri had become president of Argentine in December 1981. The British view was that the basic Argentine position regarding the Falklands was unlikely to change but would probably be put forward more forcefully. Indeed, on January 27, 1982, the Argentine Foreign Ministry presented the British ambassador with a document setting out at length the Argentine position and calling for serious negotiations culminating in the recognition of Argentine sovereignty.

That document proposed an accelerated rate of progress to resolve the problem peacefully, definitively, and rapidly. It envisaged the creation of a permanent negotiating commission to meet alternatively in Buenos Aires and in London with a mandate to reach a solution within a year. During that year, the commission would be open to denunciation by either side at any time without prior warning to the other side, and the document emphasized that British recognition of Argentine sovereignty over the Falkland Islands, South Georgia, and the South Sandwich Islands remained a *sine qua non* for the solution of the dispute.

A couple of weeks later, the British ambassador in Buenos Aires was instructed to tell the Argentines that, while safeguarding its position on the subject of sovereignty, Britain did indeed wish to continue negotiations in order to achieve "an early and peaceful solution to this dispute which can be accepted by all concerned," namely the British and Argentine governments and the people of the Falkland Islands."

Later in February, talks were held in New York between the Foreign Office minister, Richard Luce, and the undersecretary of state at the Argentine Foreign Ministry, Enrique Ros. The Argentines pressed for a substantive response to their proposals within a month, and in any case for the commission to meet for the first time on April 1, 1982. What Britain did was to set out its position and provide a working paper on how it saw the framework within which a permanent negotiating commission would operate.

The talks ended with agreement on an informal working paper that set out the purpose of the commission and on a joint communique for simultaneous publication in London, Buenos Aires, and Port Stanley. The communique stated, "The meeting took place in a cordial and positive spirit. The two sides reaffirmed their resolve to find a solution to the sovereignty dispute and considered in detail an Argentine proposal for procedures to make better progress in this sense. They agreed to inform their governments accordingly."

Despite the agreement in New York that no details of the Argentine proposal would be published without prior agreement, the Ministry of Foreign Affairs in Argentina put out a statement on the first of March which reflected a significantly harder line than had been agreed in the communique in New York, disclosing the full scope of the talks and suggesting that, unless there was an early solution, Argentina would choose freely the procedure which best accorded with its interest. Luce sent a personal message to say that he was disturbed at the implications of this development. However, the Argentine proposal for a commission was discussed in London in early March and a message was drafted to dispatch to Buenos Aires setting out the British point of view.

This message was never sent because the South Georgia incident intervened and attention was diverted to sorting that out first. There were a series of diplomatic exchanges over South Georgia, and, in the end, Argentine Foreign Minister Nicanor Costa Mendes accused the British government of a disproportionate and provocative response and attempted to link this incident with the failure to make progress in the substantive negotiations. Lord Carrington then proposed that a personal emissary go to Buenos Aires to try to defuse the situation and get the process of negotiation started again. He was told that the Argentine government considered the South Georgia incident closed and no longer wished to employ diplomatic channels to solve the crisis.

4. INTERNATIONAL MEDIATION EFFORTS

U.S. Shuttle Mediation *(David Gompert)*

The U.S. Assessment of the Situation

It is difficult to overstate the depth of feeling of frustration that U.S. officials encountered in Argentina. True, there were catalytic events in the months, weeks and days before the actual invasion took place. True, the military junta almost certainly had in mind precipitating this as a way of diverting tension from national economic and social predicaments. However, the roots of the crisis without a doubt did lie in a very deep and pervasive sense of frustration in Argentina, a feeling held even by those who saw the invasion as a terrible mistake. The feeling was that

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Argentina was less than whole, figuratively and literally, as long as the Falklands were not physically part of Argentina. The proximity of the Islands, and the fact that a British garrison was clinging to a piece of real estate that was of little strategic interest to Great Britain and yet of central importance to Argentina deepened that sense of frustration.

Negotiations had been going on for 17 years. The Argentines attempted to wrap the problem in the issue of decolonialization and anti-colonialism, but that was never really the issue. The issue was not whether decolonialization should take place, but rather whether London or Buenos Aires should govern the Falklands.

As the United States saw it in the early days of the negotiation, the Argentine perspective was that self-determination was somewhat of a catch-22. For years one aspect of the negotiation was an attempt to loosen the web of restrictions on trade, immigration, investment, etc. that had frozen the status quo in the Islands and had kept the Islanders exclusively and decidedly British. Self-determination really meant that the fate of the Islands would have to be consistent with the wishes of peoples who were forever to be British since there were no means to make them otherwise.

In a tactical sense, one can point to specific evidence of movement and progress in the months preceding the crisis, but, for the Argentines, looking in a broad sweep over a 17-year period of negotiations, there was really little reason to hope that there would be a peaceful resolution to this dispute.

On the British side, from one government to the next, there had been no real fundamental understanding of the fact that the Falklands problem could really detonate. This miscalculation is understandable. After all, Great Britain had managed to shed an empire brilliantly, gracefully, effectively, and peacefully over decades, and never before had encountered a situation it was unable to manage.

Once the crisis erupted, the principle involved for Great Britain changed. Suddenly, principles of great importance to Her Majesty's government were involved—defending the principle of peaceful resolution of disputes and the principle of self-determination. But politics in London played an important role too, just as they did in Buenos Aires where the government was motivated to act because of the political circumstances and predicaments that prevailed there. In Britain, once the decision was made to embark on a course leading toward recovery of the

Islands, there was no turning back. It was both politically impossible and a matter of principle. Prime Minister Margaret Thatcher had never had in mind anything but following through with the logic and the momentum of her decisions.

Some people have argued that there were those in Britain who would have been disappointed had there been a peaceful settlement. That may be true. There probably were Britons who felt that the best outcome was one in which the Islands were recovered by force of arms. However, Her Majesty's government and Prime Minister Thatcher in particular wanted very dearly to see the Islands recovered and the Argentine forces withdrawn without bloodshed.

The U.S. perspective was clearly a complex one, fraught with dilemma upon dilemma. First of all, there was the dilemma of being caught between two friends—Argentina and the United Kingdom. It has been said that the American effort, in particular the Reagan Administration's effort, to befriend Argentina in the year or two that preceded the crisis, may have contributed to the Argentine miscalculation. I find that very difficult to accept or really understand. In fact, U.S. officials felt thankful that they had established a rapport and a degree of influence in Buenos Aires because it gave them at least the possibility of promoting a peaceful outcome. It would have been impossible for the Reagan Administration to have foreseen that efforts to improve relations with Argentina could have led to a decision by Argentina to invade the Falklands.

The United States was not only caught between two friends, but also between two important immediate policy interests. One was a policy to strengthen the solidarity of the Western alliance. That was especially important given the Reagan Administration's desire to convince the Soviets that they would be unable to divide that alliance as it moved to deploy cruise and Pershing missiles in Europe. That policy was so vital that, from the very outset, administration officials knew that, come what may, the United States could not fail to support the United Kingdom in the final analysis.

The other important policy interests were hemispheric solidarity, hemispheric consensus, the ability of the United States to maintain peace and tranquility in this hemisphere and to create a consensus in this hemisphere on U.S. objectives with respect to Central America.

Obviously, the United States did not want to see a collision between these two friends or between these two important policy interests. Therefore, the United States felt that there was no choice but to try to bring about a peaceful settlement. The cost of trying and failing was clearly less than the cost of not trying at all.

The Search for a Solution

Once the administration decided that an American effort was necessary, the case for moving swiftly and at the highest level was compelling. The real issue in political terms was whether it was possible to find a solution that would permit the survival of both governments. It was easy to imagine solutions which would lead to the downfall of both governments or the downfall of one or the other, but whether there was a solution which would permit the survival of both was another question. Because the issue had that powerful political implication for the decision-makers involved, there was no choice but to employ the secretary of state or higher.

The administration knew that the United States would and should support the British should it become necessary to use force to recover the islands. It was clear, however, that such support of the British would rule out any chance for the United States to influence thinking in Argentina. As long as the United States was engaged in a negotiating effort, there was a legitimate reason not to be in active support of the United Kingdom. Administration officials told the Argentines that the United States would support the United Kingdom if negotiations failed.

U.S. aims throughout the crisis were simple and clear: to avoid a conflict—but not at any cost. For the United States the worst outcome would have been for Argentina to be successful in resolving the Falklands dispute through force either because the British failed to act or because they acted and failed. The United States wanted a solution which did not depart so significantly from the *status quo ante bellum* that it could be widely read as any kind of significant reward for the use of force. This was really the most delicate aspect in trying to construct an outcome that not only was acceptable to both sides, but was also acceptable to the United States.

In addition, America wanted a solution that would establish a basis for negotiations for a definitive settlement or a final disposition. If the American negotiating strategy could be faulted, it would have to be for attempting to do too much. Attempting to lay the basis for further negotiations clearly was a burden on the negotiating process, though it is not certain that abandoning that aim would have changed the outcome.

The Evaluation of U.S. Strategy

U.S. strategy went through several phases. The first phase was to draw out the two sides as far as possible on a number of issues. Military disengagement was one. The symbolism of administration and sovereignty was another. For example, would there be an Argentine flag flying alongside a British flag, or no flags at all? The details of how the Islands would be administered after withdrawal was another issue. The Argentines clearly wanted to bring about a maximum change in the administration of the Islands by severing the link between that administration and London, whereas the British were attempting to preserve the status quo.

This issue of post-crisis administration—not the symbolic one, but the real one—was perhaps the most difficult aspect of the negotiation. The Argentine strategy was to secure either a negotiating mandate or terms of reference for a negotiation that pointed clearly toward an outcome of unambiguous and recognized sovereignty for Argentina or, failing that, to loosen the restrictions that were in place in trade, immigration, investment, travel, etc. to the degree that de facto sovereignty would be assured over time. Obviously, both prongs of that negotiating strategy were stoutly resisted in London.

After a couple of weeks it was clear that the military forces of the two sides were converging a lot faster than their negotiating positions. The United States, therefore, felt that it had to turn up the voltage significantly and that the way to do that was to put forth an American proposal to bring a maximum degree of pressure on the parties to settle.

The United States felt that anything that went beyond the American proposal by giving Argentina either the symbols or words that go with sovereignty or by changing the administration in the Islands in a way that pointed in the direction of Argentine sovereignty would be read worldwide as an Argentine success. The use of force would have paid off. Therefore, the American proposal stopped short of giving Argentina any presumption of sovereignty, either in the terms of reference it set forth for future negotiations or a final settlement or in the practical arrangements it prescribed for administration of the Islands pending a final settlement. The American proposal would have weakened the Falklands' link to the United Kingdom without strengthening the Argentine grip on the Islands' future.

Secretary of State Alexander Haig attempted to convince the junta that its real choice was not between Argentine sovereignty and the American proposal, but rather between the American proposal and defeat. This was a very delicate point to get across, and yet one that had to be conveyed with clarity. U.S. diplomats did not want to insult or challenge or offend the people on whose rational decisions the United States was counting to find a way out of this predicament. By the same token it was clear from the very outset that, deep as the Argentines' frustration was about the situation, their inability to understand British thinking and British resolve was just as deep. The Argentine junta, and the Foreign Ministry as well, were convinced up until it was too late that the British would not fight. That was an error in judgment that led not only to the outbreak of the crisis in the first place, but also to the rejection of the American proposal. Had the Argentines accepted the American proposal, it would have been very difficult for Prime Minister Thatcher not to do so. Political forces in London which were supportive of Thatcher's policy and of a military solution may well have pressured her to accept the American proposal once the Argentines were on board. However, the Argentine rejection meant that Her Majesty's government did not really need to answer the proposal at all. The moment of maximum opportunity to find a peaceful resolution had passed.

Lessons to Be Learned

First of all, it is very important to be clear not only about one's interests and one's willingness to defend and fight for those interests, but also about principles. The Falklands crisis is a good example of a situation in which principles were at stake, while central foreign policy or national security interests were not.

Another lesson that clearly stands out is that the use of force is in fact legitimate under certain circumstances. The British use of force in this particular case clearly was. Nevertheless, a great deal of world public opinion, as transmitted through the United Nations in particular, placed a good deal of pressure on the United Kingdom not to use force, when in fact the use of force in this particular case was quite legitimate according to the Charter and according to reasonable opinion. Pressures in political bodies such as the United Nations to bring about a cease fire with the status quo can become enormous. The problem, of course, with such pressures is that when a conflict breaks out, more often than not one side is more prepared for it than the other and that tends to be the side that committed the first act of force. Therefore, the early results of the conflict are usually favorable militarily to the side that used force first. Bringing about a cease fire in place really amounts to rewarding the initial use of force. So, rather than supporting the British and placing maximum pressure on Argentina to withdraw and to agree to a peaceful settlement, world public and political pressures tended to act in the opposite manner.

The obligation to settle disputes peacefully does not only mean an obligation not to settle disputes non-peacefully. There are reasonable doubts about whether London accepted the responsibility, over some 17 years from one government to the next, to attempt to settle the Falklands' dispute peacefully.

Politics tends to reinforce claims in disputes, rather than any sense of compromise. Unfortunately, compromise tends to come about through the use or the threat of the use of force. But the best time for compromise is not under the threat of the use of force, but rather when that threat does not exist.

The Peruvian Initiative *(Domingo Da-Fieno)*

Peru began its efforts to find a peaceful solution as early as April 11, 1982. It increased them considerably as events developed at the end of April and the beginning of May.

On April 3, one day after Argentina seized control of the Falklands, the Peruvian government issued the following statement: "First, on various occasions Peru has expressed its support for the recovery of the Malvinas Islands by Argentina within the spirit of decolonization established by the United Nations resolutions. Second, Peru invariably maintains its position of principle that international conflict should be settled by peaceful means through the appropriate mechanisms established by treaties in force. Third, the Peruvian government is hopeful that the conflict between Argentina and Great Britain will be resolved as soon as possible and that full peace will be reestablished between these two friends of Peru."

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On the night of April 10, the president of Peru, Fernando Belaunde Terry, received a letter from the president of Argentina, General Galtieri, expressing the Argentine position in this matter. The following day, President Terry answered this communication by stating that his government was ready to do everything possible to avoid armed confrontation which seemed imminent. It is the duty of all nations, he added, and especially of those of this hemisphere to display every human effort in order to prevent conflict by means of the establishment of an honorable and immediate truce that would allow negotiations to go forward to solve the problem.

The same day the Peruvian foreign relations minister sent the foreign ministers of Argentina and Great Britain a telegram in which Peru formally proposed a 72-hour truce to both governments, in harmony with the recently approved Security Council Resolution 502, while Secretary of State Haig proceeded with his mediation efforts. This Peruvian initiative was immediately accepted by Argentina but not by Great Britain.

On April 26, during the 20th consecutive meeting of ministers of foreign affairs of the Organization of American States, the government of Peru proposed a resolution which was cosponsored by Brazil, Costa Rica, and Honduras, to bring to a halt all hostilities between Argentina and Great Britain. The project was approved by the foreign ministers with slight modifications. In his statement, the Peruvian foreign minister renewed his proposal for the parties in conflict to cease all forceful action and to open the way for fresh negotiations.

On April 30, Secretary of State Haig announced his government's decision to side with Great Britain. This effectively ended the U.S. mediation role. Given the seriousness of developments and the imminence of military confrontation, the government of Peru decided to take the initiative in seeking a peaceful solution.

Between 6:00 and 6:30 p.m. on May 1, the Peruvian foreign minister presented a four-point peace formula to the U.S. ambassador to Peru and asked him to move on it very rapidly because serious fighting had begun in the Falklands. The intention was to avoid further deterioration of events and maintain a chance for negotiations. The four points were the following: First, a truce period. Second, mutual withdrawal of forces. Third, immediate negotiations between both countries. Fourth, temporary U.N. administration of the Islands supported by an international peace force.

That same evening, the president of Peru tried to reach President Ronald Reagan, who was not in Washington. A little later he received a call from Secretary of State Haig who said that the Peruvian proposal was under consideration. Four hours later Haig called back and told President Terry that he agreed to the proposal with some changes. (At that time the British minister of foreign affairs, Francis Pym, was in Washington, and presumably Secretary Haig conferred with him.) This led to the following seven-point proposal. Immediate cessation of hostilities; mutual withdrawal of forces; temporary administration of the Islands by a representative unconnected to the parties in dispute; recognition by the governments of both countries of the existence of discrepant and conflicting claims over the Malvinas; recognition by the governments of both countries that the points of view and interests of the local inhabitants should be considered so as to arrive at a peaceful solution of the problem; a mediating group in the negotiation to be formed by Brazil, Peru, West Germany, and the United States; and finally, agreement that a definitive solution would be reached through negotiation by April 30, 1983, under the responsibility of the abovementioned nations.

These seven points were communicated to the president of Argentina who, in his response, objected to the presence of the United States as one of the countries that comprised the mediating group. He also asked that only a reference to the "interests" of the local inhabitants be made, rather than to their "points of view." Thus, points five and six of the proposal were modified in the following manner. As revised, point five stated that both governments should recognize the aspirations and interests of the local inhabitants and this must be taken into account in a definitive solution of the problem. On point six, instead of specifying the make-up of the mediating group, the proposal merely stated that the group would be made up of several countries chosen by mutual agreement.

Finally, President Galtieri called his Peruvian counterpart in the early hours of Sunday, May 2, to express his agreement in principle with the formula. It would have to be approved, however, by the junta of generals which was set to meet the same evening at 5:00 p.m. Unfortunately, the British sinking of the Argentine cruiser the *General Belgrano* on May 2 put aside consideration of this valid and promising initiative. Indications were that the junta had been ready to accept the proposal with very few changes.

Peru tried again after the U.N. secretary-general's efforts also failed, but it was too late. In a few days the battle of Port Stanley was raging.

Differences Between the American and Peruvian Initiatives *(David Gompert)*

The American attempt and the Peruvian attempt represent fundamentally different approaches to negotiation. The U.S. proposal tried to work out in exquisite detail everything that would happen. There was precision with respect to what the disengagement of forces meant, the timetables, how far back the forces would have to go, how rapidly those forces could be reintroduced, and so on. State Department officials spent day and night working out elaborate formulas on that and on every other point in the negotation—about the administration of the Islands, about the negotiations that were to follow, about the restrictions on trade, and so on until we had a twenty-page document.

In contrast, the Peruvian proposal was fraught with ambiguity, but it was also a lot simpler. It mentions only that there would be a "mutual withdrawal" of forces. The trade-off between specificity and ambiguity was such that, with the conflict erupting at the very moment the Peruvian proposal was being put forward, it was felt that attempting to work out the details on such matters as military disengagement was no longer possible.

The Good Offices of the Secretary-General *(James S. Sutterlin)*

There is a very clear distinction between the functions of the bodies within the United Nations. The General Assembly, where the Falklands/Malvinas question was first raised, is the body which makes recommendations and which is especially concerned with broad issues such as decolonization and representation. The secretary-general, in a sense, is a separate body that has political responsibilities under the U.N. Charter which

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he can exercise through his good offices and by calling the Security Council into session. But much of what he can offer in terms of good offices depends on the consent of the Security Council. The Security Council, itself, is the body which is concerned specifically with the preservation of peace and the resolution of disputes.

The five permanent members of the Security Council may not use their veto if they are party to a dispute, so long as the dispute is subject to peaceful mediation and resolution under Chapter 6 of the U.N. Charter. It is when the dispute is being dealt with under Chapter 7 that the veto is utilizable.

As soon as there was evidence of the Argentine invasion, the Security Council met and adopted Resolution 502, which is one of the uniquely specific resolutions in the history of the Security Council. It said three very clear things that set the precise framework for all of Secretary-General Javier Perez de Cuellar's subsequent activities. First, it demanded the immediate cessation of hostilities. Second, it demanded an immediate withdrawal of all Argentine forces from the Islands. Third, it called on the governments of Argentina and the United Kingdom to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations. There was, however, no mention of the secretary-general. There was no request for the secretary-general to do anything, not even to submit a report on the implementation of this resolution, which is the usual procedure. One can suppose that this was done intentionally. At the same time, the resolution did not prevent the secretary-general from acting quite extensively. Initially he simply kept in touch with the parties to the dispute.

Keeping in Touch With Other Mediation Efforts

During the period when Secretary Haig was involved in intensive efforts at mediation or negotiation, there was very little information provided to the secretary-general by the United States. Even the U.S. Mission to the United Nations in New York did not have very much information about what was going on in terms of U.S. mediation efforts. While the secretary-general was anticipating an eventual U.N. role and did try to keep in close touch, he was not well informed as to the details of what was going on in London, Buenos Aires, or Washington. Indeed, when the Peruvian initiative was launched, it came as both a surprise and something of a mystery. Some newspaper reports suggested that, since Perez de Cuellar was Peruvian and this was a Peruvian initiative, it must have been inspired by him. Far from it. In fact, the secretary-general's office had almost no knowledge of the motivation or the mechanisms being followed in the case of Peru until the initiative had more or less collapsed. The Security Council was not meeting during the period of the U.S. mediation effort. The secretary-general did not wish to in any way interfere with the mediation effort that had been undertaken by the United States. He made this clear, not only publicly, but also to the members of the Security Council, in order to counter pressure for a public formal meeting of the Council at that time, which the secretary-general felt would not be helpful to the Haig mediation effort. He had in mind, of course, that the efforts of the U.S. secretary of state were within the framework of Resolution 502.

In addition to trying to keep in touch with mediation efforts, the secretary-general took certain steps on his own. The United Nations does not have any intelligence and research department (like the U.S. State Department) and is not well-equipped in terms of data banks. In fact, when this crisis arose, there were enormous files about the decolonization aspects of the Falklands/Malvinas problem going back to 1946, but there were no maps showing where South Georgia or the South Sandwich Islands are and so forth. So whatever one may think of General Haig's initiative, it had one advantage for the United Nations. It gave us a little time to get a few facts together which could prove useful.

For one of the first times in U.N. history, a task force was created to advise the secretary-general, to assimilate the facts relevant to the crisis, and to devise possible ways in which the United Nations could be useful and effective.

On April 19 the secretary-general called in the representatives of the United States, Argentina, and Great Britain—even though he had not been asked—and explained to them what the United Nations could offer to facilitate a peaceful resolution of the dispute. He suggested, for example, that a small U.N. civilian presence and military observers could be used to supervise any agreed withdrawal of armed forces and civilian personnel as well as any interim administrative arrangement. He also said that a U.N. umbrella for such arrangements could be provided or a U.N. temporary administration if that would be helpful.

When the United States indicated that its efforts had not succeeded, the secretary-general, because of the work of the task force, was in a position to move fairly rapidly with his own efforts. He did this, however, without any knowledge of the confidential conversations which had taken place between London, Buenos Aires, and Washington. In fact, he was meeting with the foreign minister of Argentina at the very moment that Secretary Haig announced in a press conference the change in the U.S. position. Secretary Haig wrote to Perez de Cuellar, but his letter said precisely the same thing that had been said previously in public at his press conference.

The Secretary-General's Aide-Memoire

In meetings with the British and Argentine representatives in New York, the secretary-general presented an aide memoire in which he suggested that the two governments take simultaneously certain specific steps as provisional measures. ("Provisional measures" is a U.N. technical term that refers to measures without prejudice to the position of either party as to the ultimate resolution of the problem.)

There were very quick responses from both governments, and both governments accepted the approach that was outlined in this aide memoire as providing a basis for a framework for an agreement that would bring the armed conflict to a halt and make possible a peaceful settlement. At the same time, however, in both cases the responses raised a number of points on which agreement was needed.

There followed a period of intensive mediation involving the secretary-general and various representatives including the foreign ministers of Great Britain and Argentina. Prime Minister Thatcher and President Galtieri were contacted by telephone.

Very substantial progress was made, especially on the sovereignty issues. From the beginning, Perez de Cuellar was convinced that it would be impossible to resolve the crisis peacefully unless the issues of sovereignty were somehow put aside. That had been the cause of the breakdown of the U.S. effort. Progress was made when the Argentines withdrew their stipulation that a specific statement of Argentine sovereignty be included. The secretary-general felt, and it was not contradicted by either party, that agreement had been reached on the following points: (1) the agreement which was being sought would be interim in nature and would be without prejudice to the rights, claims or positions of the parties concerned; (2) the agreement would cover a cease fire, the mutual withdrawal of forces, the termination of exclusion zones, the interim administration of the territory, and negotiations on peaceful settlement of their dispute; (3) the initiation of these various parts of the agreement would be simultaneous; (4) withdrawal of forces would be phased and would be carried out under the supervision of U.N. observers; (5) the interim administration of the territory would be under the authority of the United Nations; (6) the U.N. flag would be flown; (7) Argentina and the United Kingdom would establish small liaison offices on which their respective flags would be flown; (8) the parties would enter into negotiations in good faith under the auspices of the secretary-general of the United Nations for the peaceful settlement of their dispute and would seek with a sense of urgency the completion of these negotiations by December 31, 1982.

These were the agreed points—a fairly comprehensive list—but there were four important ones on which agreement had not been reached. One had to do with certain aspects of the interim administration of the territory; another had to do with the time-frame for the completion of negotiations. That had caused a breakdown before in Argentine-U.K. negotiations, and it was clear that the British side did not want to be under a deadline. Certain aspects of the mutual withdrawal of forces were unresolved, and finally, the geographic area to be covered by the terms of the interim agreement was not agreed upon.

The British Proposal

At this stage and in response to the secretary-general's efforts, the British permanent representative to the United Nations, on May 17, delivered to the secretary-general the text of a proposed interim agreement on the dispute. The secretary-general immediately transmitted this British proposal to the Argentines.

The mediation efforts which Perez de Cuellar had been engaged in were kept extremely private—a remarkable success for an organization like the United Nations. The formulations were not released; they were privately developed; and they were subject to complex consideration in both capitals, especially in Buenos Aires. However, once the British text was released to the press, the possibility of confidential, quiet, mutually developed formulations disappeared. While there are some very positive points in the British proposal, which the Argentine government may subsequently have considered a pretty good deal, its release

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to the public greatly inhibited the prospects of the secretary-general's efforts to reach an agreement that would seem to be the result of mutual Argentine-British efforts.

The Argentine reply, read side by side with the British text, showed that there had been some retrogression from the degree of agreement which had already been reached. This, of course, coincided with the ever closer arrival of the British forces to the Islands themselves. Perez de Cuellar felt that it was essential that he report to the Security Council what the status was before British forces actually landed. He spoke urgently to the president of the Security Council on May 20 and told him that in fact his efforts had not succeeded. Then on May 21 he gave a full account to the Security Council of the efforts which he had made under his personal authority as secretary-general.

During this period, the secretary-general met repeatedly with Council members in consultation, and there was pressure from some Council members to have a formal meeting at which a cease fire could be called for. However, a number of Council members saw that if the Council should meet, if there should be a hostile debate at that point in a public meeting, it could inhibit the secretary-general's efforts. So, quite remarkably, between the beginning of the crisis and the end of the secretary-general's efforts, the Security Council did not meet in formal session.

After the Security Council heard the secretary-general's report on the failure of his efforts, they requested that he seek to find a basis for an agreed cease fire between the two parties. The secretary-general said very bluntly in reply, "You've asked me to do this. I will try, but you should understand that what you are asking is practically impossible. A war is now underway, and it is simply not realistic to think in terms of achieving a cease fire." He reported back to the Council, after the deadline they had imposed and said, in effect, that the positions of the two parties did not lend themselves to the possibility of a cease fire.

Lessons to Be Learned

Would it have been better to have had the United Nations in from the beginning? Certainly the time element was important. For example, during the secretary-general's mediation, he had put forward solutions for the four points on which agreement had not been reached; however, there was too little time to consider or refine those ideas. By then the British forces were at the point of landing and the possibility of peaceful mediation was at an end.

One of the points that the secretary-general makes very frequently is that if Security Council resolutions are to be implemented, they must have the support of the permanent members of the Security Council. Certainly in the case of the Falklands/Malvinas crisis, U.S. efforts were in support of Resolution 502 of the Council. However, the question does arise about whether it would have been in the end more useful if at least the U.N. secretary-general had been privy to individual countries' mediation attempts and if less time had been spent in efforts of a unilateral nature. The secretary-general's efforts had multilateral support and no controversial East-West dimensions.

The Organization of American States *(John W. Ford)*

The Falklands conflict raised serious questions concerning the future of the inter-American system and attacked the very foundations of hemispheric collective security. The intense emotions that were aroused in that conflict have no equal in inter-American history, including the unilateral actions of the United States in 1965 in the Dominican Republic.

To begin with, as advisor to the secretary-general of the Organization of American States (OAS), I was naive in the hope and belief that somehow, while the ships from Great Britain were still en route to the Falklands, there would be time to prevent this crisis from resulting in major loss of life in the clash of the armed forces of Great Britain and Argentina.

There came to my mind the 1972 crisis between Great Britain and Guatemala over Belize with a British aircraft carrier offshore of then British Honduras. The OAS, with the help of a Colombian general, successfully calmed that crisis.

Obviously I was also influenced by my 1962 experiences in the Cuban missile crisis which brought the world close to World War III but which was resolved with the help of the Rio Treaty (the 1947 Inter-American Treaty of Reciprocal Assistance), a mutual defense instrument which antedates NATO.

My files chronicle two proposals informally introduced during the Falklands crisis; each embodied multilateral approach. The first proposal was to enlist the services of former

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U.S. President Gerald Ford, Prime Minister Pierre Trudeau of Canada, and former President of Ecuador, Galo Plaza, who in a "good offices" role would go to London and Buenos Aires in an effort to avoid bloodshed and loss of life. Plaza, former OAS secretary-general, was a key figure in the resolution of the 1972 dispute between Great Britain and Guatemala.

Another proposal, which, like the previous one, was not taken seriously, suggested "that the United States withdraw from being out front and carrying the whole burden," and instead put forward its ideas through a Latin American nation or group of nations under the Rio Treaty of the OAS. Obviously, a key element in such a proposal would be to protect British interests and to bring balance. European permanent observers to the OAS would be used. At that particular time there were twelve European countries that were permanent observers to the OAS. The scenario provided for the "good offices" role to be exercised by countries like Mexico, Peru, Trinidad and Tobago (all Rio Treaty countries) plus the Holy See, France, Italy, and perhaps Spain (all permanent observers to the OAS). At the highest possible level, they would go to London and to Buenos Aires the same way the OAS had operated in the 1969 mini-war between El Salvador and Honduras. Then an ambassadorial delegation from seven nations halted the bloodshed through arranging a prompt cease-fire.

The Special Foreign Ministers' Meeting

On April 20, 1982, the OAS agreed to hold a special meeting to consider Argentina's request for assistance under the Rio Treaty. On April 28, the OAS adopted a resolution supporting Argentina's claim to sovereignty over the Falklands and calling for a truce, the withdrawal of forces, and an end to economic sanctions imposed by the United States on Argentina. The resolution indicated that sanctions were not compatible with either the Charter of the United Nations or the Charter of the OAS, nor for that matter with GATT, the General Agreement on Tariffs and Trade. The resolution passed 17 to 0, with Colombia, Chile, Trinidad and Tobago, and the United States abstaining.

The Colombian government in particular kept hitting at one basic fact. Under the treaties, both the Rio Treaty and the OAS Charter, American states had pledged that disputes of all complexions would not be resolved through aggression or invasion. Obviously, uppermost in the minds of many of us was the precedent that would be set if this aggression were rewarded, for there are many other territorial disputes pending in the Western Hemisphere among Latin American nations.

Although it invoked the Rio Treaty, when the OAS meeting was held, Argentina did not press the matter, knowing it would not be able to earn the votes necessary for collective action, such as the imposition of sanctions. What were the Argentine government's objectives in using the Rio Treaty? Certainty they did not see the imposition of sanctions against Great Britain or the European Common Market. According to my Argentine colleagues who worked on this crisis, their objectives included the establishment of a new juridical base for Argentina's claim of sovereignty over the Islands through the "solidarity" vote in the OAS. They also hoped to bring about a U.S. position of neutrality.

The case of the Falklands is a blatant misuse of the Rio Treaty in my judgement, requiring as it does the prompt return to *status quo ante bellum* by the invading nation or risk being found the aggressor and having sanctions imposed. Argentina, in this instance, was successful in bringing into play the whole emotional aura of Latin American "solidarity," but at what price?

Damage to the OAS

How much damage has been done? My initial impression was that the Falklands affair would be forgotten about in a few years, much like the unilateral U.S. action of 1965 in the Dominican Republic was quickly forgotten when the OAS had to use the Rio Treaty in 1969 in the crisis of the war between El Salvador and Honduras. Damage has been done unquestionably, but only time will tell how much. It should be clear the next time the OAS Charter and the Rio Treaty are put to a vote in a crisis involving armed conflict. Costa Rica, for example, has recently threatened to invoke the Rio Treaty in its dispute with Nicaragua. During the two-and-a-half hours that Secretary of State George P. Shultz spent with the Latin American foreign ministers in November 1983, in an informal, closed door dialogue, not a single Latin American country raised either Grenada or Central America as an issue and certainly not the Malvinas. Their number one issue on that occasion was the debt crisis.

Lessons to be Learned

History will not reveal whether the results would have been any different had either of the two multilateral proposals been adopted. History does tell us, however, that when the Rio Treaty was negotiated and before it was ratified, Secretary of State George Marshall announced—the Monroe Doctrine notwithstanding—that the United States would not construe the Rio Treaty as relevant to former colonial possessions of the European powers in the Americas. He said the United States would remain neutral in any situation involving any such territory and would always work toward having questions of sovereignty resolved through peaceful means.

5. A PRIVATE PEACEMAKING INITIATIVE

(John W. Burton)

The high level of belligerency between the British and the Argentine governments prevents them from interacting directly. Each imposes preconditions to negotiations. There are many devices for dealing with such stalemate situations, including, of course, communication through other diplomatic networks. However, these typically deal with formal matters only and are not suitable to an analysis of the fundamental issues at stake.

Experience has shown, however, that authorities in these situations welcome non-official contacts that are exploratory and that do not commit them in advance to finding an acceptable proposal. In some situations these contacts must be entirely secret, as authorities cannot be seen to be treating with the enemy. In others confidentiality is less important, at least after initial contacts are made. Authorities can always deny they have anything to do with the process if the discussions are unofficial.

Usually an approach can be made to heads of government or the heads of communities in a multi-ethnic or communal dispute so that they can nominate persons in whom they have confidence to enter into some unofficial and exploratory discussion. In the Falklands case, this clearly was not possible. So

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in August 1983, I asked the chairman of the British Foreign Relations Committee of the House of Commons to suggest two members, one Tory, one Labour, to meet with the Argentine members of the Council for Foreign Relations, a nongovernmental institute, together with scholars from both sides. At this time, of course, the elections had not occurred and, therefore, representatives could not come from any congressional foreign affairs committee in Argentina.

The participants met for five days in September 1983 at the Center for International Development at the University of Maryland. Their discussions took place within a framework established by a panel of five scholars who have among them a wide knowledge of many aspects of conflicts generally. Their role was to ensure that the discussions were analytical, not bargaining or negotiation. It was up to them to promote an in-depth analysis and, on the basis of the values and goals revealed, to help the participants deduce appropriate political arrangements and structures.

The discussions were, from the panel's point of view, unsatisfactory but predictable. The real issues were not addressed. Both sides were still entertaining the assumptions that had led to the conflict in the first place; that is, in due course the Islands would go to Argentina for reasons of power and logistics, and that it was a matter of getting governments off their various hooks. "Leaseback" and such notions were clearly at the back of the minds of the British participants.

Generally speaking, both sides came to the conclusion at the end of the four-day meeting, that there was no great problem even over sovereignty, and they returned to report this. Both set up local organizations to involve their parliamentary and other colleagues, and to get feedback from their administrations pending the second meeting. In Britain, a South Atlantic Commission was established. In Argentina the Council for Foreign Relations took on the role of interacting with the British Commission and a dialogue was maintained.

A second meeting, held in April 1984, was attended by government and opposition members of the relevant parliamentary committees on both sides. The Argentine members made it clear that they had held up any decisions on the subject until they could have this meeting with their British colleagues. Because of the feedback that had been possible, there was far greater realism, and important issues were addressed on the second occasion.

A Labour member of the British Defense Committee made it quite clear that the defense of the island would be maintained, including the building of a major airstrip. There were still fears, in his view, of possible political changes in Argentina which would again threaten the Islands. The implication was clear that sovereignty was not to be negotiated, certainly not now and perhaps never, even the nominal sovereignty that was suggested at the first meeting and which would have given the Islanders almost total independence.

Once this message was digested, there was an interesting and constructive discussion on the whole notion of sovereignty and its reconceptualization, in the context of the identity needs of Argentina, which had been responsible for the widespread support of the invasion in the first place. Out of this discussion came some interesting observations as to the difference between legal sovereignty, on the one hand, and functional sovereignty, on the other, in cases in which a legally sovereign entity was almost wholly dependent upon another state.

Under the guidance of the panel, the parties began to reveal the deeper issues at stake. Over four or five days it became clear that the purported issues were symbolic. Historic and legal claims hardly received a mention in the discussions during both sessions.

The invasion was seen as a liberating experience for the people of Argentina, who had supported an unpopular government in making the invasion. The significance of a flag on the Islands was its symbolic value. It reflected some deeply felt resentments about the condescending attitude of Britain toward Argentina and the Argentine people over many years, and a kind of love-hate relationship with Britain.

Fundamentally, the conflict was not about the Atlantic islands. There were much deeper issues dividing the two states. The Islands became a convenient way of expressing feelings which were difficult to express in any other manner. Rationally it was accepted that the Islands were a liability rather than an asset, particularly when Argentine participants detailed the kind of developmental assistance which they would be prepared to give to the Islanders. Clearly, any future special relationships between the Islands and Argentina has to be earned by its providing the facilities a small island could expect from a larger neighbor. Sovereignty was a convenient way of labeling a complex problem, but the issue was not basically one of sovereignty. A solution rested on the resolution of far more fundamental issues.

It was agreed that there would be some exchange visits at the parliamentary level which I understand have now taken place, and another meeting was scheduled for February 1985. It was also agreed—and this was a matter of great surprise to us because usually these discussions are entirely confidential—that a book be produced as soon as possible both in English and Spanish to make public what had taken place and the processes involved. Each of the participants is at the moment preparing his own contribution and they will hint at, if not reveal, some of the deeper issues which are at stake.

It was agreed that it would be desirable on the next occasion to have the Islanders represented, and the invitation was accepted. It is only with their agreement that any firm options can be considered. In order to make up their own minds on their own future relations with Argentina and on their own future constitution, they must, as a first step, engage in a face-to-face discussion with the new decision-makers and reconsider their image of Argentine authorities. Only in this way are they likely to be able to assess motivations and intentions and to make decisions that are in their interests.

This is a somewhat different approach from the formal bargaining, negotiating approaches at the diplomatic level. When parties are in an analytical framework, when parties analyze existing relationships, then the past, the history, and the legal arguments become very unimportant. It becomes clear that those arguments are the means of avoiding discussion of the fundamentals. They are the means of avoiding the acknowledgement that other issues exist.

6. THE POLITICS OF THE FUTURE

The British Point of View: Picking Up the Pieces *(Robert A. Burns)*

Efforts to Restore Normal Relations

Since the conflict, the British government has persistently tried to reduce tension and restore more normal relations between the United Kingdom and Argentina but has made it quite clear that it is not prepared to discuss the issue of sovereignty. On July 22, 1982, very soon after the end of the war, Britain announced the lifting of the 200-mile total exclusion zone and replaced it with a protection zone of 150 miles. We told the

Argentine authorities that they should insure that their warships and military aircraft did not enter the zone and that their civil aircraft did not enter without permission. Such permission has never been applied for. There have, in fact, been a number of incursions. One by the Naval Air Force in August 1983 was well publized. But if there were genuine applications to enter the zone by civilian aircraft or ships, Britain would give those serious consideration.

In another move, agreement was reached between Britain and Argentina in September 1982 on the reciprocal lifting of the financial restrictions imposed at the time of conflict. Britain has lifted all restrictions; Argentina has lifted some.

Since the conflict, various members of the European community have approached Argentina to discuss the full normalization of economic and commercial relations between the European community and Argentina. Such attempts, however, have tended to founder on the Argentine request that normalization should take place only in conjunction with Britain's compliance with negotiations over sovereignty.

The British government has discussed the possibility of improving air travel links between Britain and Argentina—that has not worked out—and of sorting out suitable arrangements for a visit by the families of the Argentine dead on the Islands, through the International Committee of the Red Cross.

Many of these efforts were made before the election of Argentine President Raul Alfonsin, and that is an important watershed. It is only relatively recently that Britain has had a government in Argentina with which it is possible to deal with greater confidence. The British government expressed its very strong welcome to the restoration of democracy in Argentina immediately after the elections, and it hopes that the new government in Buenos Aires would be more inclined to respond positively to the ideas we in the British government had been putting forward to secure the restoration of normal relations between our two countries. Prime Minister Thatcher made this very clear in November 1983 when she said, "I am willing to enter into talks. We want good commercial relations, diplomatic relations; we want normal relations, but I am not entering into talks about sovereignty."

Since then there have been a number of exchanges between the Argentine government and Britain. The problem revolves around the subject matter of the talks. Britain has insisted that the administration and protection of the Falkland

Islands are its own responsibility: there is no role for the United Nations in the protection of the Islands. We in Britain believe in a step-by-step process to try to improve bilateral relations, first of all through the good offices of the protecting powers, Brazil and Switzerland, and then by moving on to establish a normal pattern of business between the two countries. Britain certainly does not intend to keep the 150-nautical-mile protection zone indefinitely, but it does not want to be rushed into lifting it until there is a clear and full declaration by Argentina that hostilities are at an end.

Defense of the Islanders

Defense improvements on the Falklands are not intended to extend the role of NATO to the South Atlantic. Their purpose is to insure the defense of the Islands and the dependencies with a garrison maintained at the minimum size necessary. That capability will obviously be much improved when the new airfield is built and can take wide-bodied jets. Then it should be possible to reduce the levels of permanently stationed forces on the Islands. And of course the airfield should contribute to the economic development of the Islands. In other words, there is movement.

The climate of opinion in Britain, and certainly the policy of both the government and the opposition parties, is to continue to stand by the Falkland Islanders and to take into account their wishes about their future, while nonetheless working as vigorously as we can to return to the kind of friendship with Argentina which was a feature of so many generations in the past.

The Argentine Point of View: The War Has Changed Nothing *(Jose Maria Otegui)*

From the Argentine point of view and from that of all countries engaged in eliminating colonialism from all around the world, the war has not altered the basic legal and political status of the dispute. After the war, the U.N. General Assembly approved two resolutions, 37/9 in 1982 and 38/12 in 1983, that emphasized that the core of the problem is not one of resumption of relations between Argentina and the United Kingdom, but solving the sovereignty issue. The preamble of both of these resolutions says that "the maintenance of colonial situations is incompatible with the U.N. ideal of universal peace."

The resolutions, which were sponsored by Argentina say, "taking into account the existence of de facto cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them" is, in my view, proof enough of the peaceful intentions of Argentina. Moreover, the new Argentina government has expressed very clearly in every international fora, in every communication regarding the Malvinas case, that it does not seek in any manner to recover its possession of the Islands through means other than peaceful. This has been said at the highest level of the Argentine government.

Another paragraph of both resolutions approved says, "reaffirming the need for the parties to take due account of the interests of the population of the islands." Again, the United Nations has come out against the idea of utilizing the principle of self-determination in this case. The interests of the Islanders have to be taken into account, but that does not mean that the future of the Islands will be dependent on the wishes of the 1,800 people that live there that, by the way, are British citizens.

The main paragraph of the resolutions requests "the governments of the United Kingdom and Argentina to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute." So the legal and political bases of the dispute continue to be peaceful resolution of the dispute focused on sovereignty. These resolutions were approved by the majority of the countries of the United Nations, including the United States.

The Defense Build Up

The British government has rejected negotiations on sovereignty and continues fortifying the Islands. It is estimated that there are 4,500 soldiers for a population of 1,800 inhabitants, plus military aircraft and warships.

We in Latin America feel that this build-up is introducing a deeply irritant element in the region that might threaten international peace and security. Such a concentration of military forces in an area that was formerly free of them might induce other countries to take the Malvinas area into account in their strategic calculations. This is a development that is not welcome either in Argentina or in any other country in Latin America.

Sovereignty Is the Issue

Argentina has proposed to discuss issues such as the lifting of the bilateral trade and financial restrictions that still exist, the resumption of air communications, increasing the level of government-to-government official links as well as the cultural, scientific and sports exchanges, lifting the so-called protection zone around the Islands, the question of the fortification of the Islands and the concentration of forces and nuclear military means, the deployment of an eventual U.N. peacekeeping force, and of course the question of sovereignty. So far, the British government has rejected these proposals and has not tried to go in the direction recommended by the international community by entering into meaningful negotiations on sovereignty.

In the summer of 1984 the Argentine foreign minister gave a speech in Washington at the National Press Club. When asked by a journalist about the status of the bilateral contacts, he replied very simply, "Well, the matter is not complicated at all. The British would like to have negotiations without sovereignty; we wouldn't like to have negotiations without sovereignty." Argentina is still sticking to that point.

CHAPTER III

EFFORTS TO RESOLVE THE CYPRUS DISPUTE

1. INTRODUCTION

(Mark A. Epstein)

The conflict on Cyprus has resisted with tenacity the efforts of nations great and small to bring about a solution. It frustrates diplomats, amazes outside observers, irritates those who believe we have made progress in studying techniques of negotiation, and provides political ammunition to Greek and Turkish politicians of all stripes and colors. Besides that, it persistently threatens the integrity of NATO, has caused major political upheavals in Greece, continues to rob cash from a Turkish economy struggling to right itself, and requires of the President of the United States that he report to the Congress regularly on the status of attempts to bring political agreement. It has been a sore point with secretaries-general of the United Nations, holds out the potential for even greater super-power rivalry in the eastern Mediterranean, and costs a great deal in foreign aid. Also, it has caused sadness and bloodshed, disrupting the lives of the people who live there.

Attempts to negotiate a peaceful, pragmatic, viable solution have defied numerous negotiators, friends of Greek and Turk alike. There are a number of threads common in the presentations that follow: of itself, the problem is relatively simple and most rational beings could devise an apparently acceptable solution; outsiders are looked upon to provide help in achieving a resolution but resented for imposing one; even min-

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Dr. Epstein was Scholar in Residence at the Center for the Study of Foreign Affairs at the time of the symposium.

imal "confidence building" measures seem to require herculean effort and yield minimal results; the Cypriots themselves must decide what course is best for them and we must then help them follow it. For now, though, the stalemate continues. If the Greek Cypriot majority has the advantage of its preponderance and the recognition of the world, so the Turkish Cypriots have utilized the strength of the Republic of Turkey and established *faites accomplis* which successfully defy the world.

There is frustration in both communities. The Turkish Cypriots have achieved *de facto* successes which have not been translated into legitimacy; the Greek Cypriots fear that legitimacy has won them little and are afraid of falling victims to inertia. Outside observers are also frustrated, for, if any factor has for years foiled the repeated attempts at a settlement, it is that hoary ghosts and recent memories have produced two societies in a small space whose views of themselves, each other, and the place where they live have virtually nothing in common.

As this is being written, yet another plan for federation is being considered; the efforts, indeed, continue.

2. SETTING THE SCENE

(David H. Popper)

Visitors to Cyprus come away with sharp impressions. One is a matter of scale: it is a small island, inhabited by small communities. The total population is about 650,000 souls, close to 80 percent of whom are Greek Cypriots and almost all the remainder Turkish Cypriots. Until 1974 the latter lived in one sizeable and a number of smaller enclaves. Relationships between the two communities were sharply curtailed when the constitutional structure agreed upon for the newly independent Republic of Cyprus broke apart in 1963. They have been even less evident since the hostilities in 1974 resulted in regrouping the Turkish Cypriots in a single large entity which now claims to be an independent state.

Ambassador Popper was Ambassador to Cyprus from 1969 to 1973. Subsequently he was Assistant Secretary of State for International Organization Affairs.

A second impression one gets is of striking differences between the Greek and Turkish communities. The differences were epitomized in the personalities of the two leading spirits of the original Cyprus Republic. The Republic's first president was Archbishop Makarios III, wily, intelligent, educated, shrewd rather than deep, able to maneuver himself into a position where he became one of the principal leaders of the new, nonaligned group in the Third World. He was a man who could work on the world scene and establish for himself a position as father of his country—in the eyes of the Greek Cypriots. On the other side of the ethnic line was the Turkish vice president, Fazil Kuchuk, a man who seemed to represent some of the spirit of the old Orient, living in an old house with old ways and old-fashioned courtesy, a great deal less active, a great deal less competent outside his immediate milieu, but stubborn and resistant to any attempt to bear down upon the Turkish Cypriot community. The difference between the amazing resilience and tactical intelligene of the Greek Cypriot side on the one hand, and the somewhat less activist but more tough and stubborn and dour attitude of the Turkish Cypriot community on the other is not a bad generalization to bear in mind when thinking about how these two communities relate.

There is hardly a better example of resilience than that which was provided when 200,000 Greek Cypriots, something like two-fifths of the total Greek Cypriot population, were displaced by the Turkish military operation in 1974 and forced to settle in the area of the island remaining under Greek Cypriot control. The efficiency with which those people were integrated, the speed with which the Greek Cypriot economy recovered from the terrific blow of the 1974 hostilities, the way in which that community has maintained its economic elan and progress over the years—these are rather remarkable. It took longer for the Turkish Cypriot community to reorganize itself. It required massive assistance from mainland Turkey to do so, assistance which included not only the maintenance of close to 25,000 Turkish troops on the island of Cyprus and economic support, but also the settlement of mainland Turkish colonists in the Turkish Cypriot area of Cyprus.

There is a basic asymmetry in the Cyprus problem. On the island, the Greek Cypriots are the unquestioned majority, but off the island, in terms of geopolitical relationships, the Turkish power complex is much greater and closer at hand than the Greek power complex. That asymmetry leads in good part to the difficulties the United States and others have had in devising a settlement.

Questions to Consider

There are a number of questions that must be answered to understand the modalities of conflict management on the island of Cyprus.

1. From the Cypriot point of view, what is the proper unit for self-determination on Cyprus? Legally the answer is clear. According to the 1959 treaties of London and Zurich, the basic political unit is the Republic of Cyprus, so that, subject to constitutional limitations, the Greek Cypriot majority should prevail. However, the principle of self-determination is often claimed by ethnic units within states. It has been so claimed and is being applied by the Turkish Cypriots and the Turks to an entity within the Republic of Cyprus.

2. To what extent should minority rights override majority rights as an operational principle in dealing with the Cyprus problem? Both have to be considered. A balance has to be established somewhere, both in specific instances and in general.

3. How can the political will for a mutually acceptable agreement be created? In *Getting to Yes*,* now a classic book on the process of negotiations, a great deal is said about discovering an underlying common interest and persuading both antagonists in a conflict that they share that common interest. While it may be perfectly easy from the standpoint of pure reason to draw up a settlement proposal which will seem to a third party to be entirely equitable, it is not at all easy to convince the contestants themselves that what one party gains is not necessarily a loss for the other party or that, as President John F. Kennedy said, "A rising tide raises all the boats."

4. Is it possible to create credible guarantees or safeguards for any arrangement which one might succeed in making? The United Nations has tried with indifferent success to serve as a guarantee organization. The original London-Zurich treaties set up three guarantor powers: Greece, Turkey, and the United Kingdom. None of them has proved to be particularly effective in times of crisis.

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* William Ury and Roger Fisher, *Getting to Yes: Negotiating Agreement without Giving In* (New York: Penguin Books, 1983).

The Cyprus Dispute

Key Dates

1959	Makarios accepts the Treaties of Alliance, Establishment, and Guarantee (the Zurich-London accords).
1960	Cyprus becomes independent.
1963	Makarios proposes constitutional reforms; intercommunal violence breaks out.
1964	UNFICYP on station.
1974	Nicos Sampson leads coup in Greece. • Turkish intervention in Cyprus brings about de facto partition.
1975	U.S. Congress imposes arms embargo (lifted in September 1978). • Turkish Federated State of Cyprus established.
1977	Vienna talks initiated after Clark Clifford mission. • Makarios dies; Spyros Kyprianou becomes president.
1978	Anglo-American-Canadian (ABC) initiative.
1979	Ten Point Agreement: intercommunal talks should be means for overcoming the division of Cyprus. • Intercommunal talks begin.
1980	Military coup in Turkey.
1981	Minipackage proposals. • Secretary-General Kurt Waldheim's Evaluation Paper identifies points of coincidence and divergence.
1983	General Assembly Resolution 37/253 calls for immediate withdrawal of all occupation forces from Cyprus. • Secretary-General Javier Perez de Cuellar's Aide-Memoire outlines points of agreement. • Turkish Cypriot legislative assembly establishes the Turkish Republic of Northern Cyprus.
1984	Proximity talks are held under the auspices of the secretary-general.

5. Is there a role for disinterested third parties in any such arrangement? In particular, should the United States inject itself into the situation?

6. Is it possible to bridge the ethnic, religious, and economic gap between the two communities? That gap could be bridged if there were free contact between them, but, as stated above, there is a fairly solid wall between the two communities and relations between them are minimal.

7. On the U.S. foreign policy side, how much of our interest in Cyprus is strategic and how much of it should reflect legal, ethical, or humanitarian considerations?

8. Can or should the United States avoid being the primary outside player in confronting the Cyprus problem? Normally, the U.S. government would rather avoid it, but at one time or another, it has been forced into deciding whether or not to intervene decisively at critical moments in Cyprus history. In 1964 President Lyndon B. Johnson warned the Turks against invading Cyprus with a threat to leave Turkey exposed if the Soviets should react. In 1967 the United States chose the road of diplomacy and sent Cyrus R. Vance on a successful mediation effort to the countries concerned. In 1974, for reasons which Henry Kissinger makes reasonably clear—that is, the approach of Watergate and the lack of coherence within the U.S. government—the United States did very little and subsequently has been criticized for that inaction.

9. What kinds of pressures or inducements can the United States usefully bring to bear on the Cyprus communities, or on Greece or Turkey, to influence developments in Cyprus? We tried an arms embargo against Turkey after 1974. Now President Ronald Reagan has proposed what I would call an incentive fund of $250 million which would use the carrot instead of the stick to try to bring about a settlement. But that proposal has not been picked up.

10. Is partition the only solution? The United States has been accused of having had in mind from the very beginning the idea that partition was the only way to settle the Cyprus problem. Twenty years ago, I thought that this was too small an island to be partitioned, that there could not be two viable states on it. That may in fact be true. It is hard to see how a Turkish Cypriot republic could be viable. However, fashions change in history. If the Turkish Republic of Northern Cyprus should ever achieve any recognition, it would not by any means be the smallest state to seek admission to the United Nations. It would certainly be possible for it to survive as a client state of Turkey, supported by Turkey as it is today, with subventions of one kind or another.

In the last ten years what the Turkish Cypriots have done, with the support of the government of Turkey, is to have created a series of "facts" that reinforce the separation of the two communities. Therefore, the last question to consider is whether or not it is desirable or even possible to reverse or halt this trend toward partition.

3. A HISTORICAL REVIEW OF THE DISPUTE

(James H. Wolfe)

Pre-Independence History

For three millenia its wealth, indefensibility, and strategic location in the northeast corner of the Mediterranean have made Cyprus an object of contention in great-power politics. Although the island has remained Hellenic in character from the rise of civilization to the present, Egyptians, Phoenicians, and Romans all left their mark in antiquity. During the Middle Ages, first the Arabs and then the Crusaders dominated the island. In 1192, the French noble Guy de Lusignan founded a dynasty under which the Cypriots prospered for 300 years. Starting at the end of the fourteenth century, the rival powers of Genoa and Venice fought to control Cyprus with the former eventually giving way to the latter, and so from 1489 onward a Venetian governor ruled from Nicosia. The expansion of the Ottoman Empire led to the subjugation of Cyprus under Turkish rule in 1571 and the subsequent importation of artisans and peasants from Anatolia.

As part of a Near Eastern settlement reached at the Congress of Berlin in 1878, an Anglo-Turkish Convention placed Cyprus under British administration while the Sultan formally retained sovereignty. In 1882, by an order in council, the British High Commissioner instituted a legislative council, which, in addition to *ex officio* members, provided for twelve elected representatives apportioned on a nine-to-three basis between the "Christian and Mohammedan sections of the community." Such constitutional designs satisfied neither side, and a Colonial Office report of the same year revealed that Greeks were resigning

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from local councils on the grounds that the Turks were overrepresented. This dispute was a harbinger of present-day events.

With the outbreak of the First World War, British diplomacy endeavored to persuade the Greek government to abandon its policy of neutrality and enter the struggle on the side of the Allies. As an inducement, Cyprus was to be transferred to Greece. Confronted with a choice between Hellenic unity and the strategic requirements of national security, King Constantine and the cabinet opted for the latter and rejected the British offer, which was not repeated when Greece entered the war in its later stages. In the interim Great Britain reacted to the Ottoman alliance with Germany by formally annexing Cyprus—a status accepted by the revolutionary government of Kemal Ataturk in the Treaty of Lausanne in 1923.

In 1931, Greek Cypriots demonstrated against British rule and initiated a movement for *enosis* (union with Greece). Leaders in the Turkish Cypriot community responded with the slogan of *taksim* (partition). Although the Second World War served to contain the growing ethnic conflict, the lines of confrontation had been drawn. At the United Nations the Greek delegation sought unsuccessfully in 1954 to place the issue of self-determination and Cyprus on the agenda of the General Assembly. The diplomatic method having proved unavailing, Greek Cypriots led by General George Grivas turned to an armed insurgency under the banner of EOKA (national organization of Greek Cypriot fighters). The TMT (Turkish resistance movement) developed as a counterpoise.

Seeking to avert what was becoming a three-sided civil war, Prime Minister Anthony Eden invited representatives of Greece and Turkey to a Tripartite Conference in London in August-September, 1955. The British rejected a Turkish effort to revive a claim to residual sovereignty over Cyprus, but they accepted implicitly the notion that Greece and Turkey would each have a voice in a final settlement. The conference thus had the *de facto* effect of reversing the Treaty of Lausanne and the British policy of excluding Athens and Ankara from the politics of the colony. The resulting Eden Plan allowed for qualified self-determination on the condition that Turkish Cypriots be guaranteed representation in the legislative and executive organs of the new government. Neither side was satisfied with this arrangement, and the fighting continued.

Through an exchange of correspondence in 1956, Field

Marshal Sir John Harding, the governor, and Archbishop Makarios III, the ethnarch or political leader of the Greek Cypriot community, sought to reach a solution. Harding offered a constitution premised on the assumption that Cyprus would remain a unitary state under majoritarian rule. With the Greek Cypriots amounting to roughly 80 percent of the population, the supremacy of Hellensim was assured. For their part, the Turkish Cypriots (some 18 percent of the population) would enjoy legal guarantees of their civil and religious rights, but they would not possess a veto over the formulation of public policy. Makarios objected to the qualifications placed on independence, and the Harding Plan was forgotten. Violence increased, and Makarios was sent into exile in the Seychelles.

The Colonial Office then commissioned a constitutional study by Lord Radcliffe. Again, expert opinion rejected a federal solution in favor of a strong central government open to Turkish Cypriot representations but not bound by them. At one point Radcliffe explored the idea of a bicameral legislature whose upper chamber would adhere to the corporatist model, in which the delegations would represent social and economic interests. This was as close as he came to assigning a constitutional role to identifiable Turkish Cypriot constituencies. Ultimately, he opted for a single chamber and majoritarian governance. With Makarios in exile, the Radcliffe report never became a serious basis of negotiation.

The Macmillan Plan

Seeking to end the violence on a basis acceptable to all regional powers, Prime Minister Harold Macmillan took up the thread of the Tripartite Conference and presented a proposal, announced on June 19, 1958, which laid the basis for a bicommunal constitution. Separate municipalities for each community would come into being under the auspices of a British governor acting in concert with representatives of Greece and Turkey as well as Cypriot officials. At this point the devolution of governmental functions along communal lines became the basis of British policy in the belief that the Turkish Cypriots would possess, as a group, enumerated legal and political rights. For students of American history, the Macmillan Plan is reminiscent of John C. Calhoun's thesis that constitutional government in the United States depends upon a "concurrent majority" of social and regional groups rather than upon a mere numerical majority of 51 percent. Within the framework of this theory a constitutionally recognized constituency could—irrespective of its size—cast a veto over policy proposals threatening its interests.

The principles of the Macmillan Plan provided a partial basis for a set of guidelines drafted by the prime ministers of Greece and Turkey meeting in Zurich during early February 1959. In London, on February 19, Archbishop Makarios and Fazil Kuchuk, acting on behalf of the Greek Cypriot and Turkish Cypriot communities, respectively, accepted this dictated settlement, which has become known as the Zurich-London accords. In addition to the acknowledgement of the precept of government by consensus of the two communities, the Zurich formula also encompassed three discrete treaties, all signed by Great Britain, Greece, and Turkey with the concurrence of the two communal leaders.

The Zurich-London Accords

The first of the three treaties, the Treaty of Alliance, encompassed a commitment on the part of Great Britain, Greece, and Turkey to defend Cyprus, an arrangement for the permanent deployment of a Greek force of 950 and a Turkish counterpart of 650 on the island, and an unfulfilled pledge of a joint headquarters and a ministerial committee to administer the treaty. Despite an effort in 1964 by the government of Cyprus to denounce the treaty, it remains in effect, and the designated forces are still on station.

The second, the Treaty of Establishment, provided for the retention by Great Britain of military facilites or "sovereign base areas," which remain outside the Republic of Cyprus. Resolutions of the United Nations calling for the evacuation of the Republic by foreign troops do not affect the sovereign base areas. Conversely, Greek Cypriot communists supported by Eastern European governments insist upon the need to withdraw foreign troops from "Cyprus" which for them presumably includes the British bases. This treaty also contained a provision whereby Great Britain would compensate the Republic of Cyprus for such services as the maintenance of roads and stipulated that these payments be apportioned to each community. The subsequent severance of political ties between the two communities has caused the British to withhold the payments.

In its final form the Treaty of Establishment also contained an article committing the signatories to turn to an *ad hoc* international tribunal, with a chairman appointed by the International Court of Justice, to resolve whatever disputes might arise. None of the governments involved has sought to invoke this procedure.

The third treaty was the Treaty of Guarantee. It remains the most controversial of the three basic agreements, for it possesses constitutional force. Its articles required acceptance of the principle that both communities would share power in the new government, and that the amendment of the constitution without the agreement of all concerned was unlawful. Article 4 required that in the event of a crisis the signatories would consult, after which each was empowered to undertake unilateral action for the purpose of restoring the *status quo*. The text leaves open to interpretation the nature of such action. For example, one school of thought argues that, since the use of coercive force is counter to Article 2 of the U.N. Charter, the treaty precludes armed intervention. The opposing view is that, when all else fails, the treaty powers may intervene in defense of their interests. In 1964, 1967, and 1974, Turkey invoked the second argument to justify the use of force in the Republic of Cyprus.

In terms of international law, the status of the Republic of Cyprus was—and is—analogous to that of the Dominion of Canada from 1931 to 1949. It is a state recognized on the basis of equality within the international community but restricted by international agreements in the exercise of its sovereignty. That these agreements were a precondition of independence does not alter their binding character. In the 1960s, the representative of Cyprus at the United Nations, Spyros Kyprianou, argued that the Treaty of Guarantee was incompatible with the norm of sovereign equality. Twenty years later the government of President Kyprianou referred to the treaty as a legal basis for insisting that Great Britain use its influence to restore the territorial integrity of the Republic.

Independence

By 1959, the last governor of Cyprus, Sir Hugh Foot (later Lord Caradon) had succeeded in effecting a truce with EOKA and in designing a complex but potentially workable constitution. Makarios became president of the Republic and Kuchuk vice-president. Each was chosen on the basis of separate electoral rolls. The unicameral legislature consisted of 35 Greek

Cypriot and 15 Turkish Cypriot members, whose mandates were communal rather than national. The Constitutional Court had a Greek Cypriot and a Turkish Cypriot member and was presided over by a foreign judge. The civil service was apportioned on a ratio of 70:30. Consensual government by a grand coalition was to become the leitmotif of political life. However, many Cypriots regarded the Zurich-London accords merely as a transitional arrangement needed to achieve the immediate goal of independence, which was proclaimed on August 16, 1960.

Intercommunal Strife

From its creation the new regime showed all the signs of succumbing to immobility. In the cabinet, Greek Cypriot ministers accused their Turkish Cypriot colleagues of obstructionism, and the latter retorted that the government circumvented them. The failure to establish the constitutionally mandated separate municipalities in the five largest towns brought about the final deadlock, which Makarios sought to resolve in November 1963 through the introduction of constitutional amendments that proved unacceptable to both the Turkish Cypriots and to Turkey. Civil war erupted, and only the intercession of President Lyndon Johnson, first by sending Under Secretary of State George Ball to confer with Makarios and then by writing directly to Prime Minister Ismet Inonu, deterred a landing by Turkish forces.

In July 1964, Dean Acheson, acting on presidential instructions, conferred in Geneva with the foreign ministers of Greece and Turkey. The outcome of these discussions was the submission to the guarantor states and through Athens to the government of Cyprus of the Acheson Plan. As documented by the presidential archives in Nicosia, the plan urged the granting of local autonomy to the Turkish Cypriot community without going so far as to disrupt the administrative unity of the state. The text made specific reference to the United Nations Declaration on Human Rights (1948) and to the example of Danzig, under the League of Nations, as a possible model of local self-government. Failing a governmental decentralization at the local level, Acheson expressed concern that the Republic might fall victim to partition. Contrary to widespread belief, he did not advocate the territorial division of the state along ethnic lines. Apart from a general rejection of this mediatory effort, Makarios made no substantive response.

The Galo Plaza Report

The outbreak of civil violence in December 1963 had led to the consideration of a proposal to send a multinational force under the auspices of NATO to maintain order on the island. As a leader in the nonaligned movement, Makarios rejected this plan and turned to the United Nations. The Security Council authorized the formation of a United Nations Peace-keeping Force in Cyprus (UNFICYP), and the first units took up station on March 27, 1964. The Security Council also directed the Secretary-General to set in motion the machinery of inquiry and mediation, which resulted in a 1965 report by Lasso Galo Plaza, an Ecuadoran diplomat.

Addressing the same range of issues as Lord Radcliffe, Galo Plaza concluded that every effort must be made to preserve the unity of the state, for its disruption could only bring widespread suffering to both communities. Were partition to occur, Galo Plaza predicted the separation of the two communities by a demarcation line, which came into being ten years later. Although Galo Plaza rejected a federal solution, this conclusion did not meet with unqualified approval in the Secretariat. In 1966, a confidential study prepared for Secretary-General U Thant suggested that the Turkish Cypriots might declare their independence for a predetermined period of 24 hours and then proceed to federate with a counterpart Greek Cypriot entity. Until 1983, this idea was forgotten.

The Vance Mission

In 1967, intercommunal violence once again flared, and in Turkey the military initiated preparations for intervention. As before, a special emissary played a key role in de-escalating the crisis. During November a presidential envoy, Cyrus R. Vance, worked ceaselessly in Athens, Ankara, and Nicosia to persuade his interlocutors to accept diplomacy over force. The Johnson Administration had twice interceded to prevent Turkish military action in response to civil disorders—a policy on which Greek Cypriots had come to depend.

First Intercommunal Talks

In the aftermath of the crisis, Rauf Denktash, who as one of the founders of TMT had succeeded to leadership of the Turkish Cypriots, organized a provisional administration for his community, which was now politically and economically isolated from the Greek Cypriot majority. To overcome this cleavage, Denktash and his Greek Cypriot negotiating partner, Glafkos Clerides, began the first series of intercommunal talks (June 3, 1968, to September 20, 1971). These discussions were general and ultimately inconclusive, but as late as 1983, Clerides assured an interviewer that the talks might have proven productive had not external powers intervened.

The Events of 1974

A military regime had seized power in Greece in 1967 and soon afterwards embarked upon a policy of interference in Cypriot affairs. Makarios was unwilling to subordinate his government to the policies emanating from Athens and was therefore marked for assassination by a clandestine Greek Cypriot rightist movement styling itself "EOKA-B." On the morning of July 15, 1974, armored units of the Greek Cypriot National Guard, controlled by EOKA-B, bombarded the presidential palace, and Makarios narrowly escaped. Led by Nicos Sampson and suborned by the Greek government, a coup had taken place which drove the president of the Republic into temporary exile.

The Turkish Intervention

In an address to the Security Council four days later, Makarios repeatedly denounced the coup as an "invasion" and thereby implied a justification for intervention by Turkey under the Treaty of Guarantee. At the same time Under Secretary of State Joseph J. Sisco undertook a three-day peace mission to Athens and Ankara. Unlike 1964 and 1967, the Turkish government determined to act, and Prime Minister Bulent Ecevit approved the plan to intervene. On July 20, Turkish troops landed and occupied the Kyrenia-Nicosia salient.

This event forced the downfall of the colonels in Athens, and on July 23 a civilian government under Constantine Karamanlis was formed. From July 25 to August 13, representatives of the three guarantor states met in Geneva, where they endeavored to achieve a solution through the formulation of new constitutional guidelines. (The resignation of President Richard M. Nixon on August 9 reduced the effect of American diplomacy at this critical juncture.) The conference failed to reach agreement, and on August 14 the Turkish army launched a two-day offensive to gain control over roughly one-third of the island. The demarcation line then established—approximately that foreseen by Galo Plaza—remains in effect.

U.N. Resolution 3212

When it reconvened, the General Assembly commended in Resolution 3212 of November 1, 1974, "the contacts and negotiations taking place on equal footing, with the good offices of the Secretary-General, between the representatives of the two communities." In this grandfather resolution the General Assembly was careful to avoid saying that one side or the other lacked standing. Against the background of American constitutional practice on the admission of new states to the Union, the expression "equal footing" supports the Turkish Cypriot view of legal equality between the two communities. Greek Cypriot authorities regard "equal footing" as a procedural device and not a constitutional commitment.

The negotiations which followed focused on humanitarian concerns. Makarios had returned to resume the presidency and may well have believed that such efforts as the U.S. arms embargo directed against Turkey (1975 to 1978) would force its withdrawal. The reverse appears to have been the case, for on February 15, 1975, the "Turkish Federated State of Cyprus" was proclaimed. The exchange of populations between the north and the south the following August reinforced the *de facto* partition.

The Makarios-Denktash Guidelines

Despite all efforts, two years were to elapse before Makarios and Denktash met to undertake substantive discussions. On February 12, 1977, under the auspices of Secretary-General Kurt Waldheim, the leaders of the two communities reached a consensus on four general guidelines. The published versions of the first of these principles reveal that the parties are seeking to form "an independent, non-aligned, bicommunal federal Republic." The Greek Cypriot text does not capitalize "federal" but the Turkish Cypriot text does and in so doing relegates the words "independent, non-aligned, and bicommunal" to the status of modifiers of the compound noun "Federal Republic." The point is not only one of style but of the definition which each side brings to bear on the problem.

The remaining guidelines mandated discussions on the economic viability of the territory under the control of each community, human rights, and the division of powers under a new constitution. In the election campaign of 1976, Jimmy Carter laid particular stress on the need for a Cyprus initiative, and, as President, he asked Clark Clifford to undertake a fact-finding mission. From February 16 to 23, 1977, Clifford met with Waldheim and Makarios as well as with the foreign ministers of Greece and Turkey. The impetus created by the Clifford mission led the two communities to resume negotiations in Vienna in March. The Greek Cypriot interlocutor presented proposed constitutional guidelines and a map delimiting provincial boundaries; the Turkish Cypriot response was a detailed set of constitutional stipulations without a map. The Greek Cypriots agreed to devolution of the functions of government but were not prepared to accept a theory of dual sovereignty. For their part, the Turkish Cypriots advocated an essentially confederal approach, leaving even the standardization of weights and measures to the constituent states.

Each of the two interlocutors was a well-known attorney, and predictably they viewed their brief as one of representing clients rather than negotiating a settlement. Theoretical discussions as to the distinction between a federation and a confederation combined with an excessive emphasis on procedure augured ill for the success of the meeting. Finally, the Greek Cypriots were at pains to insist that the talks were communal in character and, therefore, did not endow the Turkish Cypriots with any standing under public international law.

Throughout this period, the government of Cyprus ordered an embargo on Turkish Cypriot goods and declared it a punishable offense for a foreign merchantman to call at Famagusta or any other port under Turkish Cypriot control. In the courts of Great Britain, the Netherlands, and West Germany, the attorney general of Cyprus sought injunctive relief to block the sale of citrus fruit grown in northern Cyprus or the letting of hotel rooms to tourists there. While these efforts did meet with partial success, they contributed little to the atmosphere of confidence needed to make the negotiations meaningful.

Collaborative activities involving the two communities were limited primarily to aid programs sponsored by the United States and to developmental projects undertaken by the United Nations, such as the Nicosia master plan which did bring together the mayors of the two parts of the divided capital. As significant as these efforts might have been in restoring confidence between the two communities, their effect was largely mitigated by charges and countercharges made in unending international fora.

The ABC Initiative

In September of 1978, with the cooperation of Canada and Great Britain, the United States sought to undertake an initiative aimed at reviving the intercommunal dialogue. This was known as the "ABC" (America, Britain, and Canada) plan. The counselor of the Department of State, Matthew Nimetz, accompanied by two senior Foreign Service officers, conducted extensive discussions in Cyprus, and a legal adviser from the British Foreign Office visited Washington as a consultant. The result was the formulation of a set of principles suggestive of a possible agreement on constitutional issues. Annexes dealt with the transfer of Varosha (a suburb of Famagusta) from Turkish to Greek Cypriot control and with the promise of economic assistance should an agreement take place. In November, during the session of the General Assembly, representatives of the two communities reviewed the plan. Their response was negative, although subsequently authoritative voices on the Greek Cypriot side were heard to say that their government may have acted precipitously.

In retrospect, the ABC initiative did serve the purpose of stimulating a resumption of the intercommunal talks the following year, yet the impact of the effort might have been even greater had attention been given to three problems.

The first was that pre-eminent sponsorship by the United States created the impression in both communities that a superpower was attempting to impose a solution. In commenting on the attitudes encountered in New York and Washington, Denktash asked one interviewer, "Are we schoolboys?"

Second, the timing coincided roughly with the scheduled General Assembly debate on Cyprus, and to some it appeared as though the responsible powers were seeking to circumvent the United Nations. Although lacking a basis in fact, this argument did weaken the initiative.

Third, the content of the paper was, in parts, too detailed and tended to reflect a pragmatic North American approach to federalism rather than the theoretically tight one which Cypriots of both persuasions were seeking within the tradition of codal law.

The Ten-Point Agreement

These observations should not, however, obscure the fact that the initiative was instrumental in bringing about a meeting between Spyros Kyprianou, who had succeeded to the presidency after the death of Makarios on August 3, 1977, and Denktash. Through their discussions on May 18–19, 1979, the two principals reached the Ten-Point Agreement, the thesis of which was that the Cypriots would concentrate on intercommunal talks in Nicosia as the structural means for overcoming the division of the Republic of Cyprus.

Setting an Agenda for Intercommunal Talks

In June 1979, the intercommunal talks did resume. Javier Perez de Cuellar of Peru represented the secretary-general and sought unsuccessfully to establish a realistic agenda. Despite his skillful efforts the talks soon became enmeshed in procedural details. For example, the Turkish Cypriots insisted that the negotiations were a continuation of the Vienna round, and the Greek Cypriots retorted that they were a new series. After four inconclusive sessions Perez de Cuellar recessed the talks.

By August 1980, however, both sides were ready to resume the discussions on the basis of a fourfold agenda: (1) the transfer of Varosha to U.N. and ultimately Greek Cypriot control, (2) confidence-building measures especially on humanitarian issues, (3) constitutional revision, and (4) territorial questions. To facilitate the dialogue, the government of Cyprus tacitly agreed not to call for a debate of the question in various international fora. Under the chairmanship of U.N. Ambassador Hugo Gobbi, the meetings took place in a war-damaged hotel situated in the demilitarized zone of Nicosia, i.e., in an area under the control of UNFICYP. Initially convened on a monthly schedule, each meeting was devoted to a separate agenda item, and so a given series of meetings would encompass a simultaneous discussion of all four points rather than trying to resolve one before moving on to another. A session would normally last an hour followed by an informal conversation over coffee. Because the interlocutors and their constitutional advisers were acquaintances of long standing, they shared a belief that the talks would prove productive.

Had the two negotiating teams been allowed to seek an expert solution, there would have been room for optimism. Cyprus reacts quickly, however, to developments in its respective metropoles, and the formation of a military government in Turkey in September 1980 created uncertainty as to whether or not the civilian rule would continue in northern Cyprus. Although military governance was not extended to northern Cyprus, the Turkish Cypriot negotiators indicated that they would have to consult Ankara before taking a position on major points.

Despite formidable obstacles, by the beginning of 1981, both sides had presented comprehensive proposals on territorial and constitutional questions. Since their inception in 1968, the talks had never advanced to this stage, and diplomatic assessments were optimistic. In May 1981, the Greek Cypriots elected a new House of Representatives and, for the first time, did so on the principle of proportional representation—a method of election similar to that used by the Turkish Cypriots. The congruence in principle of electoral laws in the two communities implied a step toward reunification.

Waldheim's Evaluation Paper

A month after the Greek Cypriot elections, Turkish Cypriot voters overwhelmingly renewed Denktash's mandate and affirmed their confidence in his parliamentary party. The political stability resulting from these elections encouraged U.N. Secretary-General Kurt Waldheim to present an "evaluation" paper, in which he identified points of "coincidence" and of "divergence." Among the former were declaratory statements committing both parties to the principle of federalism based on a division of territory between two provinces. "Divergence" is a mild word when used to characterize the differing views of federal-provincial relations and of the nature of federal institutions. A case in point is the Greek Cypriot requirement for a single chief executive at the federal level, whereas the Turkish Cypriots proposed a plural executive on the Swiss model.

On October 18, 1981, the Pan-Hellenic Socialist Movement (PASOK) won the general election in Greece. The new prime minister, Andreas Papandreou, announced his determination to press for a settlement which would unify the Republic of

Cyprus, give equal rights to all citizens, and require the withdrawal of all foreign troops. Subsequently, Papandreou visited Nicosia and emphasized his solidarity with the Greek Cypriot community. Fearing a revival of the movement toward *enosis*, the Turkish Cypriots were quick to protest. The guarded optimism which had surrounded the intercommunal talks began to fade.

Throughout 1982 reports circulated to the effect that the talks had produced consensus on such symbolic issues as the official name of the state and on its national anthem, but progress on major issues continued to elude the negotiators. A vigorous presidential campaign in the south occasioned a suspension of the talks. The re-election of Kyprianou for a second term February 1983, brought to a close nearly two years of electoral contests in both communities and created the expectation of a resumed dialogue. Instead, the government of Cyprus turned to the General Assembly, where on May 13 a substantial majority—including, for the first time, Saudi Arabia—approved Resolution 37/253 demanding an "immediate withdrawal of all occupation forces from the Republic of Cyprus."

Andreas Mavromates, who had succeeded to the post of interlocutor in the intercommunal talks, delivered an address on May 11 to the General Assembly's Special Political Committee, in which he asserted that the Turkish Cypriots were "attempting to introduce bantustanization to a country with a proud history and civilization going back several millenia." On hearing this address, the Turkish Cypriot interlocutor felt personally betrayed. The ambiance of the talks shifted from one of confidence to fatalism.

Perez de Cuellar's Aide-Memoire

Denktash gave interviews in which he stated that the Turkish Cypriots had no course open to them but to exercise their historic right of self-determination. To avert a secessionist move, Perez de Cuellar, who had become secretary-general in January 1982, made personal representations in the form of an aide-memoire in which he outlined points of agreement, such as shared executive authority, a bicameral legislature, and the acceptance of territorial adjustments. Although the memorandum did not make an explicit reference to concessions by each side, the implicit assumption appears to have been that the Turkish Cypriots would relinquish territory in return for a federal authority with a restricted sphere of competence.

The Turkish Cypriot Declaration of Independence

As the deadline for responding to the secretary-general's proposal approached, Denktash called for a meeting with Kyprianou. Then, on November 6, 1983, general elections in Turkey returned a civilian government under the Motherland Party of Turgut Ozal. While the government of Cyprus sought to assess this rapidly changing situation, those Turkish Cypriots favoring secession saw their opportunity, and on November 15, the "Turkish Republic of Northern Cyprus" was proclaimed. The United Nations and the foreign ministers of the European Community deplored this act, and President Ronald Reagan expressed "his deep distress at the unilateral action by the Turkish Cypriots."

Although the government of Cyprus succeeded in diplomatically isolating the Turkish Cypriot authorities, they showed no inclination to rescind their declaration of statehood. Indeed, resentment against the economic embargo, apprehension over possible international sanctions, and a sense of futility over their lack of access to international fora combined to persuade the Turkish Cypriots that they had little to lose. In practical terms the declaration of November 15 changed little in northern Cyprus. Following the scenario of the 1966 staff study written for the U.N. Secretariat, Denktash announced on January 2, 1984, that statehood was a prelude to a resumption of negotiations between two equal states desiring to move incrementally from cooperation in technical fields to federation. He proposed placing Varosha under U.N. control for the purpose of allowing Greek Cypriot resettlement and reopening the Nicosia airport. Following these preliminary steps, he urged joint action by the two communities on such matters as health, tourism, urban planning, and environmental problems.

Later that month Kyprianou visited London and Washington, where he indicated his government's readiness to accept up to 25 percent of the territory of the Republic of Cyprus as being under Turkish Cypriot administration and to consider a bicameral federal parliament in which the upper chamber would represent the provinces. His proposal for a division of powers between the federation and the provinces aproached the Turkish Cypriot position closer than ever before. The government of Cyprus would not, however, forego the rights of Greek Cypriots to their homes in the north, nor would it compromise the demand for the demilitarization of the reunited Republic. Only if these last conditions were met, Kyprianou concluded, could the legitimate interests of all the people of Cyprus be secured.

Prospects

During the fall of 1984, Secretary-General Perez de Cuellar sought to overcome the effect of the unilateral Turkish Cypriot declaration of statehood. Borrowing on a Middle Eastern precedent, he held a series of proximity talks with the principals, first in Vienna and then in New York; and by the year's end these discussions resulted in a draft agreement, which built on the evaluation paper of 1981. Meeting in New York from January 17 to 20, 1985, the parties to the talks failed to concur as to the standing of the draft agreement. The Greek Cypriot position treated the draft as a useful but incomplete basis for negotiation, whereas the Turkish Cypriots were ready to accept its provisions as guidelines for working groups charged with the task of filling in the specifics. The time frame within which non-Cypriot troops should be withdrawn from northern Cyprus constituted a major obstacle to the success of the summit.

More determined than ever, the secretary-general met with President Kyprianou on March 11 and stated in his semiannual report of June 11 that the Greek Cypriot side had rendered an "affirmative reply" regarding its acceptance of an expanded draft agreement. At the same time a constitutional crisis strained legislative-executive relations in the Republic of Cyprus when on February 22 members of the Democratic Rally (DISY) in the House of Representatives won approval for a resolution, supported by the Progressive Party of the Working People (AKEL), demanding a withdrawal of non-Cypriot troops—exclusive of U.N. forces—by a fixed deadline, an international commitment to the basic freedoms of the citizens of the Republic, and a designation of those areas open to resettlement by Greek Cypriots. Finally, both political parties called for the initiation of a nonpartisan consultative process to prepare the way for a bicommunal government. On March 29, the AKEL deputies, with the concurrence of those from the DISY, gained the passage in the House of a resolution insisting that the government either accept the foregoing program or call new presidential elections.

President Kyprianou responded by requesting an advisory opinion on the constitutionality of the resolutions from the Supreme Court, which ruled on June 10 that the government's handling of the national question was not subject to ordinary legislation or to judicial review. Freed of internal political concerns, President Kyprianou was able to turn again to the intercommunal negotiations, and unofficial sources indicate that his government has accepted the following principles of a settlement:

1. The government of the "Federal Republic of Cyprus" shall have an international personality;
2. Each of the two provinces will possess reserved powers;
3. In the proposed bicameral Federal legislature action on specified matters would require separate communal majorities;
4. The President and the Vice-President, each being of different communities, will have a veto over legislative action in designated areas;
5. Constitutional guarantees will safeguard human rights;
6. Territorial adjustments will reduce the size of the Turkish Cypriot province to twenty-five per cent of the Republic;
7. "Special status areas," such as the Federal capital, will constitute a joint responsibility;
8. A timetable will govern the withdrawal of non-Cypriot forces from the Republic; and
9. The Secretary-General will assist in the formulation and implementation of plans to fulfill these commitments.

During June the Turkish Cypriot community adopted a new constitution and voted to continue Denktash as the chief executive. The election having the effect of a plebiscite, the Turkish Cypriot leader affirmed his commitment to a bicommunal federal republic but insisted that he was not bound by changes made without his consent in the draft agreement. Spokesmen for the Turkish Cypriot side gave vent to the belief that the secretary-general had not considered their position in his contacts with President Kyprianou. As of the summer of 1985 the prospect of an agreement was not encouraging.

Nevertheless, external forces may combine to bring the two sides closer together. On June 2, the electorate in Greece renewed the mandate of Prime Minister Andreas Papandreou's government and did so in an atmosphere relatively devoid of the inflammatory rhetoric on the Cyprus question which had characterized the election campaign four years earlier. After the balloting, Prime Minister Turgut Ozal expressed the hope that the time had come for better relations between Ankara and Athens. A decrease in the tension dividing the two metropoles augurs well for a reconciliation on the island.

During July, American diplomacy contributed to the impetus for an understanding. Representations in the regional capitals, combined with a reminder of President Reagan's Cyprus Peace and Reconstruction fund (May 8, 1984) to facilitate economic reunification, served to underline the point that the United States would not accept partition as a definitive solution. The Soviet Union also indicated its opposition to the continuation of the situation created in 1974. International pressure in favor of compromise may yet prove decisive.

4. THREE PERSPECTIVES ON THE PROBLEM

The U.S. Perspective: Don't Over-Estimate What We Can Do *(Richard N. Haass)*

While trying to maintain good relations with all the different parties to the dispute—the government of Cyprus, the Turkish Cypriot community, the Greek government, the Turkish government, and the United Nations—the United States is helping to foster an environment in which political progress and dialogue can take place.

Many people could devise a fairly equitable arrangement for Cyprus on the back of an envelope. It would be equitable enough in terms of territory, constitutional provisions, and so forth that the man on the street looking at it would say, "That looks fair."

However, in Cyprus the problem is not necessarily getting everyone to agree to the principles of an outcome. The problem is more to devise a step-by-step process to arrive at the solution and to work out the details of the arrangement. There is an old expression, "The devil is in the details." On Cyprus the devil is in getting there as well as in the details themselves.

At the time of the symposium, Dr. Haass was Deputy for Policy in the State Department's Bureau of European Affairs and the Department's Special Cyprus Coordinator.

U.S. Interests

Our interest in seeing a settlement for Cyprus is obvious. It is in the interest of the United States to maintain peace in that part of the world. The situation on Cyprus not only affects bilateral relations between the United States and Greece and the United States and Turkey but also threatens the stability of the southern flank of NATO.

It is also clearly in our interest to maintain good relations with the government and people of Cyprus. It is an important country politically and is becoming increasingly important strategically.

Support for U.N. Initiatives

As we meet today, U.N. Secretary-General Javier Perez de Cuellar is in the second round of this latest initiative. He has met for several hours so far with President of Cyprus Spyros Kyprianou and with Rauf Denktash, leader of the Turkish Cypriot community. The process is clearly well underway and we should have a better idea soon of where this initiative is heading and what the prospects are. For its part, the United States will do whatever it can to support the secretary-general's initiative and to see that it does realize some progress. However, it must be said that anyone who underestimates the difficulty of solving the Cyprus problem is kidding himself or herself. The difficulties will be enormous.

In Cyprus there is an awful lot of history, ideological baggage, and mistrust to overcome. The secretary-general's effort is not the first initiative that Cyprus has seen. For there to be progress now, suspicion, mistrust, the memories of failed plans and failed constitutional arrangements, wars, and violence have to be overcome. Cyprus is not just a divided island, it is two different histories. The two communities in Cyprus look back at the same historical events and have completely different recollections of what happened. If one talks, for example, about 1974 with Denktash and then talks about it with President Kyprianou, it is hard to believe that the same sequence of events is being discussed.

Despite the clear incentive of the United States to see progress, our ability to bring it about is limited. Within the U.S. government, while there is agreement on goals, there is not agreement on methods. Some members of Congress favor a leaning-on-Ankara approach, for example, and others do not. But more important than those disagreements is the fact that the U.S. ability to pressure the parties to come to positions that we consider favorable is limited. Indeed, even our ability to help foster an environment in which the secretary-general will prove successful is severely circumscribed. This is not to say that America should not try, but it is a warning to those who think that if only Washington did this or that the problem would be solved. They are over estimating what we can do. We can help; we can nudge; we can shake; but we cannot deliver. If there is going to be substantial progress in Cyprus, the secretary-general may be the midwife, but the true parents will be the two Cypriot communities themselves.

The Turkish Cypriot Perspective: Denying the Existence of the Other Side *(Vamik D. Volkan)*

There are many models on which a solution to the Cyprus problem could be based. In the American model the ethnic groups are put together to form a Cypriot nation, as ethnic groups together make up the United States. There seems to be a belief, however rationalized, based on a psychological need to find a solution according to the American experience. In the Greek model Cyprus is run by the Greek majority with the rights of the Turkish minority "safeguarded." Thirdly, there is the Turkish model of two separate states. Finally, an unspoken model is based on "double enosis." According to this last model, Northern Cyprus will become part of Turkey and Southern Cyprus will become part of Greece.

Two Communities—Two Realities

In Cyprus the two communities have different histories and they live in different realities. There has been a Greek community in Cyprus for centuries with very old traditions and religious roots. During the Byzantine period Hellenic influence was dominant. About four centuries ago, the Turks occupied Cyprus by defeating the Venetians who ruled the island at that time. Turks who settled on the island voluntarily or by the order of the Sultan brought with them their own culture, religion, and tradition to coexist alongside the preestablished Greeks

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Although the Turks and the Greeks lived next to each other, there was a psychological as well as practical distance between them. During part of my childhood, my family lived next door to a Greek family. There were certain unspoken rules to keep the two neighbors psychologically and practically apart. For example, there was a taboo against intermarriage and even against socialization after a certain age. The Greeks and Turks went to different schools. We lived together, but we had stereotyped perceptions of each other.

It may be hard to believe, but I grew up feeling that all of the island belonged to me as a Turk. When I became an adult and learned that the Greeks had similar feelings, I was shocked.

In dealing with the Cyprus situation, both the Turkish and the Greek Cypriots' deep attachment to the land, to their ethnicity, and to their perceptions of each other should be considered. For the people growing up and living in Cyprus, emotional attitudes are the main part of the real world and must be taken into account by political leaders.

An Emotional Divorce

After 1974, among the Cypriot Turks there was a great deal of preoccupation with the other side of Cyprus. Today the average Cypriot Turk seldom mentions the Greeks. As far as the Cypriot Turkish man in the street is concerned, the Turkish side is divorced from the Greek side. My sister's house in Nicosia is the last house before the Green Line. Beyond her house many Greek flags are seen and you can hear church bells ringing. The reality of the situation is on one level, but on the everyday and emotional level the Greeks' existence is denied.

In the Cypriot Turkish neighborhoods, the main preoccupation is on day-to-day living and secondarily on internal politics. They are interested in who is building a new house, who has become a new merchant, and who is running for a new office. There is no mention of Greeks unless you meet a politician and bring up the subject of Greeks or read a newspaper. This "emotional divorce" has important implications for those looking for a solution to the Cyprus problem.

The Greek Cypriot Perspective: The Republic of Cyprus—An Artificial Creation *(Nikolaos A. Stavrou)*

The whole Cyprus problem started off with the mythology that a state can be created out of a nation or nations which belong to other nations. In the process of trying to do that, fundamental principles have been ignored, such as the principle of self-determination, the principle of one man-one vote, and so on.

In addition, there is some historical baggage. Turkey, which is the parent country of the Turkish community in Cyprus, considers Cyprus the last segment of an empire which it did not wish to lose. Greece, on the other side, considers Cyprus the last part of Hellenism which it has not liberated yet. These two dynamics play a critical role in the formulation of ethnic allegiances.

Also, it is important to remember the Cyprus problem started during the Cold War. At that time speaking about anticolonialism, in some parts of the world, automatically meant being anti-NATO or pro-communist. The whole Cyprus struggle was thought of from the very beginning as something which should not have happened among several nations belonging to the same alliance. The British did their best to maintain the colonial status as long as possible, even though they knew in their hearts that it would not last long. They also pitted one community against the other, using the divide-and-rule principle. In most cases, when Britain left a colony, it left behind a civil war.

It was in these circumstances that a fiction was created. But what has actually been created, of course, flies in the face of fairness. There are two communities, unequal in number, which have been given equal power, with a total disregard for the necessities of a central government to function. That is the bitter pill that the Greek Cypriot side cannot swallow. However, in rejecting the idea of equal power at the political level, the Greek Cypriots do make a mistake. They misdefine power. If they were to introduce in the definition of power the economic power of the Greek community which was dominant, then equality would become a little more palatable.

Concerning the current proximity talks being carried out under the good offices of the secretary-general of the United Nations, my feeling is that the two communities will nickel and dime the whole process to death. They will start talking about procedures; they will begin with procedures and they will end

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with procedures, because, for all intents and purposes, Northern Cyprus is a de facto Turkish province. Everything else is fiction. The Northern Cypriot Turks do not feel any different than the Turks in Turkey. Mr. Denktash does not do anything without checking with Ankara. That being the case, the task of outside mediators is to help the two communities find some modus operandi for dealing with matters that concern them both.

Why are the Northern Cypriots even engaging in proximity talks? In my view their objective is to dictate the behavior and policy of the southern part of Cyprus. Neither Turkey nor Northern Cyprus wants to see a single close relationship between Athens and Southern Cyprus. For the Turkish Cypriot the whole argument is what to do with the southern part, not necessarily how to unify the two parts.

5. U.N. EFFORTS AT MEDIATION

(Glen D. Camp)

Waldheim's Minipackage

In the fall and winter of 1980-81, Secretary-General Kurt Waldheim proposed an Interim Agreement which suggested placing the town of Varosha under U.N. administration, opening the Nicosia International Airport to civilian traffic, and lifting some 70 percent of the economic restrictions imposed by the Greek Cypriots on the Turkish Cypriots. This Interim Agreement was initially supported by the Turkish government and by Cyprus Foreign Minister Nicos Rolandis; however, it was rejected by both interlocutors. Apparently Denktash wanted to go straight toward independence. Since the secretary-general's agreement would make juridical independence impossible, the Turkish Cypriots were evidently grateful that once again the Greek Cypriots had prevented progress toward a Cyprus agreement by rejecting the Interim Agreement and thus assuming the blame for the collapse of the negotiations.

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In April 1981 Turkish Foreign Minister Ilter Turkmen went to New York and suggested to Secretary-General Waldheim that the "Minipackage" (as the Interim Agreement was also called) be set aside, not forgotten, and that the two sides negotiate a comprehensive agreement. If this agreement could not be reached, Turkmen suggested, the parties could always go back to the "Minipackage" Interim Agreement.

All of this background formed the basis for the "Gobbi Initiative" of October 1981, sometimes referred to as the "Evaluation" or "Evaluation Paper" officially handed to the parties on November 18, 1981.

All of the negotiations from October of 1981 through January of 1983 were based on the Gobbi "Evaluation Paper" which consists of proposals from both sides and certain "bridging ideas" which might have permitted real progress toward solution of the Cyprus dispute. (The paper was named for U.N. Special Representative to Cyprus Dr. Hugo Gobbi.) The Turkish side still maintains that the Gobbi Evaluation Paper provides opportunity for negotiations, but the Greeks say its possibilities have been exhausted.

Perez de Cuellar's Aide-Memoire

The secretary-general himself entered the lists with a proposal in August 1983. Various sources insist the proposal was drafted by Secretary-General Perez de Cuellar himself. This initiative is sometimes referred to as the "Aide-Memoire" or as the "Soundings."

This confidential Aide-Memoire was clearly seen as a major effort to break the Cyprus deadlock. The secretary-general was trying to cut the Gordian knot himself. The initiative proposed a "rotating" presidency, i.e., both Greek *and* Turkish Cypriots would be presidents of the new central government. (Under the 1960 Zurich-London Agreements only Greek Cypriots could become presidents; Turkish-Cypriots were relegated to the vice-presidency.) In addition, land concessions by the Turks were proposed. In other words, the secretary-general's initiative suggested a simple and effective swap: land for central governmental control. The Turks were offered a "sliding scale" of options based on how much territory they were prepared to give up. The more territory they would surrender, the less powerful the central government would have to be. At present the Turkish Cypriots control 37 percent of Cyprus; the initiative proposed a reduction to 24 to 30 percent, depending on how much power the Turks were prepared to surrender to the central Cypriot government.

The initiative proposed that the central Cyprus government would be headed by the president of the current Republic of Cyprus. Thus President Kyprianou would become president of the new central government, while Denktash, president of the "Turkish Republic of Northern Cyprus," would become vice president. In the new federal executive the civil service would have a 60/40 ratio of Greek Cypriots to Turkish Cypriots.

Unlike the unicameral legislature of the old 1960 Zurich-London Constitution, the new legislature proposed by the initiative would be bicameral, with the lower chamber selected by proportional representation and the upper chamber equally divided. If the Turks were adamant on territory, the ratio of the upper chamber would be less pleasant to them, i.e., 70/30. In either case, the lower and upper chambers would be elected by each community voting separately.

Thus, by agreeing to give up territory, the Turkish-Cypriots would gain by increasing their proportion in the lower chamber, i.e., their "veto" over the numerically dominant Greek Cypriots would increase. It seemed a fair and even-handed proposal.

Rolandis Resigns

The initiative was officially transmitted to the parties on August 8-9, 1983. It split the ruling coalition of Greek-Cypriot parties wide open. The ruling Democratic Party itself was clearly divided. President Kyprianou was lukewarm, while, Rolandis, his foreign minister, was enthusiastically in favor. Nonetheless, in mid-September 1983, President Kyprianou handed a document to the secretary-general which apparently accepted the initiative, albeit with many conditions. However, Greek Premier Andreas Papandreou was clearly and vociferously opposed and had publicly embarrassed Kyprianou by making him wait several days for an audience.

Foreign Minister Rolandis felt so strongly in favor of the secretary-general's initiative that on September 21, 1983, he publicly resigned in protest when it became clear that the Cyprus government would not support it. Few letters compare in poignancy with Rolandis's letter of resignation. It both summarizes the fruitless negotiations of the past decade to find a solution to the Cyprus problem and asks the right questions: "Who is responsible?" and "What is to be done in the future?"

> Both the government of the Repubic of Cyprus and the Greek Government encouraged the Secretary-General . . . to go ahead with his initiative to lead the Cyprus problem out of a difficult and dangerous impasse. We knew or we should have known that his initiative could not coincide with our position. Because in that case it would have no chance of success. We also knew that his initiative would have been critical, because its failure could lead to possible catastrophe. If we were not ready to face it, we should not have encouraged him.
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> On 8th August the Secretary-General announced his initiatives on some aspect of the Cyprus problem.
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> I believe the method of the Secretary-General was correct and that our reply should have been simple and positive. Talks within the framework of the indicators proposed by the Secretary-General should have been accepted without much alteration and with short explanations.

Rolandis's letter asked the tough questions about the Greek side's inability to deal with change.

> 1. How is the Secretary-General . . . going to find a formula for a comprehensive solution when we expressed political weakness and indicated to him that we could not accept even his first indicators as a basis for negotiations?
> 2. Where will the common denominators be searched for if we extend the disagreement to all aspects of the Cyprus problem instead of trying to narrow the gap between the two communities through the methodology provided for by the indicators?
> 3. What do we have new to tell the Secretary-General? Are we going to repeat things which he hears 50 or 100 times a year?
> 4. What happens if the Secretary-General fails? Surely he will not attempt to burn his fingers again, and there is nobody else to undertake his operation. How will then the Cyprus problem be solved?

If Kyprianou had accepted the initiative as his foreign minister enthusiastically and unconditionally urged, the Greek Cypriots might today be in an infinitely better position. It is not true, of course, that the Republic of Cyprus *officially* rejected the initiative. The final official response sent to the secretary-general in writing was conditional and grudging, couched as a definite acceptance, not a polite rejection in the view of informed sources. Still, domestic support among Kyprianou's coalition and even within his own Democratic Party was weak, as evidenced by Rolandis's resignation. Above all, it seemed clear that Kyprianou was not prepared to lead the fight for the initiative, given the opposition of Athens under Premier Andreas Papandreou.

Denktash Delivers a Bombshell

At this point Denktash came to New York and rejected the initiative out of hand on September 30, 1983. He cushioned the blow by asking for a high-level meeting with Kyprianou under the secretary-general's auspices. Denktash may have thought, given the splits among the Greek Cypriots, that Kyprianou would reject the high-level meeting. But for once, Kyprianou surprised everyone and readily agreed to the meeting.

On November 15, however, Denktash delivered his bombshell and ended all immediate hope of restoring the Republic of Cyprus by issuing a unilateral declaration of independence of the "Turkish Republic of Northern Cyprus." Legally, the announcement had little more effect than the announcement of the Turkish Federated State of Cyprus of February 13, 1975, but psychologically it hit the Greek Cypriots very hard. It seemed to place a "seal of finality" upon the long-held nightmare of the Greek Cypriots: eternal partition backed by Turkish troops, permanent *taksim* of Cyprus in preparation for Turkish *enosis;* gradual assimilation of the northern third of Cyprus into mainland Turkey as a 68th province.

No Legal Basis for UDI

The U.N. Security Council strongly rejected the unilateral declaration of independence (UDI), allegedly establishing the Turkish Republic of Northern Cyprus as it had earlier rejected the Turkish Federated State of Cyprus. It reaffirmed its resolutions 365 (1974) and 367 (1975); it once again supported UNFICYP and the secretary-general's "good offices." It appealed to "all States not to recognize any Cypriot State other than the Republic of Cyprus."

These events ended the secretary-general's initiative for the time being. Perhaps the initiative's timing, and particularly its implementation, had not been sufficiently thought out. Certainly the secretary-general did not wish to serve as a catalyst or excuse for Rolandis's resignation and was surprised and dismayed when it occurred. Nor did the secretary-general expect a declaration of independence, particularly in the midst of negotiations which Ankara especially seemed to favor.

None of the Greek actions of 1963, 1964, 1967, or even 1974 abrogated the legal integrity of the Republic of Cyprus as Ankara itself admitted by citing the 1960 London-Zurich Agreements as justification for its incursion of July 20, 1974. Ankara as co-guarantor of the Republic of Cyprus did not suggest that *any* Greek or Greek Cypriot action abrogated the existence of the Republic legally, morally, or politically. In July 1974, Ankara did not cite Makarios's thirteen points of November 30, 1963, nor EOKA nor Greek Cypriot National Guard attacks on Turkish Cypriots of 1964 or 1967. Not even the Athens coup of July 15, 1974, was cited as abrogating the 1960 Zurich-London Agreements. The only reason cited was to reestablish the *status quo ante bellum*, to reestablish the integrity of the Republic of Cyprus under Article 4 of the Treaty of Guarantee, which was part of the Zurich-London package of 1960.

Thus Denktash and his colleagues of the Turkish Republic of Northern Cyprus are alone in maintaining that their alleged legal "right of self-determination" may be translated into the alleged legal "right of secession." Ankara had a different view of the matter in 1974.

What does exist, legally, of course, is an obligation to reconstitute the central government of Cyprus on a just and fair basis with two zones or provinces: one Greek Cypriot and the other Turkish Cypriot.

The Kyprianou Proposal

On January 18, 1984, after a flood of bitter Greek-Cypriot rhetoric against the declaration of independence, President Kyprianou met with British Prime Minister Margaret Thatcher to discuss Cyprus. He evidently brought another "top secret" comprehensive peace proposal which was immediately published by the London press. John Torode, columnist for the

Manchester Guardian, noted that the Republic of Cyprus would be prepared to accept Turkish Cypriot control of 25 percent of the island (down from the 37 percent currently occupied) if the Turkish Cypriots were prepared to demilitarize Cyprus and if Famagusta and Morphou were returned to Greek Cypriot control. (President Kyprianou noted that return of Famagusta and Morphou to Greek Cypriot control would permit the return to their homes of "at least half" of the 180,000 Greek Cypriot refugees and permit them to live under Greek-Cypriot administration.)

Torode noted also that the "Kyprianou Package" was similar to the proposals drawn up five years earlier by the American, British, and Canadian governments which were "not greeted with much enthusiasm by either community." In fact, they were roundly rejected by the Kyprianou government then *even before Turkish Cypriot rejection*. The secretary-general's 1983 initiative met with the same prior apparent rejection by the Republic of Cyprus, also before the Turkish Cypriots rejected it. Thus, no pressure was put on the Denktash authorities to make needed concessions because both proposals were rejected first by the Greek-Cypriot side. However, since 1979, Torode reported, "the Greek Cypriots have lowered their sights and this 'New Realism' of 1984 is reflected in the more generous approach to the territorial question and the acceptance by the Republic of Cyprus that Turkish Cypriots must have substantial autonomy."

According to Torode, the Kyprianou plan envisaged a phased demilitarization of Cyprus with the Turkish occupation troops and Turkish settlers brought from mainland Turkey the first to go. Next the mainland Greek and mainland Turkish forces on Cyprus under the 1960 Agreements would be withdrawn; and then the official Cyprus National Guard and the "Turkish Cypriot Security Force" would be disbanded, to be replaced by a U.N. force in charge of defense, internal security, and sensitive policing. Complete demilitarization of Cyprus would give Ankara assurances that the island would never be used as a Greek base against Turkey. Finally, the violated Treaty of Guarantee of 1960 would be replaced by a new treaty specifically *excluding* the old guarantor powers, i.e., the United Kingdom, Greece, and Turkey. The new guarantee treaty would provide that the new guarantor powers could act only collectively.

One has to feel sympathy for President Kyprianou. With almost a third of his population comprised of refugees who fled south to escape the Turkish Army, neither he nor any other democratic Greek-Cypriot leader can easily address the political realities of Cyprus because of a "psychological block" by his people. A serious gap exists between the Greek-Cypriot peoples' psychological understanding of the situation on the one hand, and the basic political realities of Cyprus on the other. Though the Kyprianou plan might have formed the basis for discussions back in 1963 or 1964, today it offers little of interest to either Turkey or the Turkish Cypriots. With armed forces four times the size of Greece's, Turkey scarcely need fear Greek military action across 43 miles of water. And with 18,000 regular troops on duty in Northern Cyprus, Ankara need fear no military action by the Greeks as long as rational men govern in Greece and Cyprus. There was simply nothing in the Kyprianou Plan to warrant concessions from the other side.

A New Version of the Minipackage

In the search for agreement the secretary-general went from the "comprehensive agreement" of the initiative to a new version of the "minipackage" which was suggested by Denktash himself to help cushion the blow of the unilateral declaration of independence. When Denktash announced independence (with the assistance of Turkish Foreign Minister Ilter Turkmen, who was in New York attending the Security Council), he offered to reopen negotiations on Varosha. However, he evidently had second thoughts. (Perhaps the offer had been forced upon him by Ilter Turkmen.) At any rate, Denktash made a new proposal on January 2, 1984. In the opinion of many informed sources, this second proposal represented a vast step backwards.

Like earlier non-comprehensive "minipackage" initiatives, this "scenario" of March 1984 also failed. The Turkish Cypriots negotiated with the secretary-general even while secretly resettling a formerly Greek-Cypriot section of Varosha and while planning the adoption of a Northern Cyprus flag as a symbol of further defiance. Moreover, Denktash placed major and completely unacceptable substantive and *prior* conditions on the minor concessions the Northern Cyprus authorities had earlier offered. For example, Denktash demanded that the Republic of Cyprus give up its claim to be the sole legal government of Cyprus, and remove all trade and economic restrictions *before* any agreement was reached on the relatively minor issue of Varosha.

Proximity Talks

In sum, the secretary-general's minipackage initiative of March 1984 died as so many before it had. Consequently, the secretary-general reverted to his "comprehensive approach" and in August 1984 arranged a meeting with the two sides in Vienna with Andreas Mavromates representing the Greek Cypriots and Necati Munir Ertekun representing the Turkish Cypriots. To these two gentlemen and their aides, the secretary-general read a set of working points which had been carefully prepared over the preceding month. His "Talking Points" were not handed to each party in writing but offered verbally to each group separately.

In these talking points, the secretary-general asked each side if it was prepared to attend "proximity talks" at a later date to develop a draft agreement to be considered formally. It was hoped that if the "proximity talks" were successful, a comprehensive draft agreement would result which could then formally be considered by the parties in a set of "joint high-level talks" which in turn if successful could produce a formal agreement. The joint high-level talks would be held with both Cypriot communities negotiating together, whereas the "proximity talks" would be held with each group meeting separately in the secretary-general's headquarters.

The "proximity talks" opened in New York in September 1984. If they are eventually successful in working out a comprehensive draft agreement for later, formal consideration by a joint "high-level meeting," a solution of the Cyprus dispute may finally become possible. If not, the pre-negotiating process will have to begin again, probably reverting to the "minipackage" non-comprehensive format.

Support for the Secretary-General

U.N. resolutions affect the negotiating process by expressing the positions of member states. Basic resolutions such as Security Council Resolution 367 (1975), which authorized the secretary-general to proffer his "good offices," are comparable to "enabling legislation" in national legal systems. This is likewise true of Security Council Resolution 554 which extended UNFICYP's mandate as well as "revalidating" the secretary-general's "good offices" role in the negotiating process. But since none of these Security Council resolutions were presumably taken under Chapter VII of the Charter, in strictly legalistic terms they must be seen as "recommendatory" rather than "mandatory" in nature. Moreover, *all* resolutions of the General Assembly are recommendatory only, since in strict legal terms the General Assembly has no mandatory powers under the U.N. Charter. In reality, however, given the limited real power of the U.N. system, neither body usually has any but recommendatory powers.

It is essential for outside forces to be persuaded to support a concerted policy on Cyprus, for bitter negotiating experience has demonstrated that the *internal* parties lack the political cohesiveness necessary for an agreement even though they recognize its necessity. And since sovereign member states of the United Nations can only rarely be so persuaded, the United Nations and its chief executive—the secretary-general—have great difficulty in developing an agreement—that is, a mandate for peacekeeping. It is even harder for him to develop the mandate for peacemaking. Yet, it is the secretary-general's job to try. If he fails, he must try, and try again.

6. INTERCOMMUNAL CONTACTS

The Practical Level *(Charles G. Gunnerson)*

For the last three years I have been responsible for a U.N. Development Program-World Bank global project on waste recycling. We are looking rather carefully at the use of wastewater for irrigation in Cyprus. It is one of the major elements of municipal wastes. By proper technological and institutional interventions, I believe we can reduce the costs of liquid and solid wastes management to cities by between 30 and 90 percent. These are significant savings, especially in developing countries where very often 50 percent of municipal income may be eaten up by waste management and environmental controls.

At the time of writing, Mr. Gunnerson was a Senior Project Officer in the Water and Urban Development Department of the World Bank. He is currently Environmental Engineering Advisor in the Environmental Research Laboratories, National Oceanic and Atmospheric Administration.

Talking about Water

On Cyprus, water is one of the few things that the Greeks and Turks talk to each other about. It is a matter of universal concern because there is not enough of it. The economic development of the island of Cyprus is absolutely linked to water. There is no substitute; there are no alternative sources.

The efficiency with which water is used for irrigation is a major issue. Since 1974, on the Greek Cypriot side, there have been major investments made in irrigation systems, and, as a result, much of the irrigation water is fed through high-efficiency drip or sprinkler irrigation systems. On the Turkish Cypriot side, irrigation is still carried out primarily by flooding in basins or wild flooding. Such crude systems are roughly half as efficient as the more expensive ones.

In Cyprus, irrigated agriculture has expanded, especially in coastal areas. This has caused serious overdrafts on the groundwater. In some areas the water table has been lowered by as much as two hundred feet. That makes for increased costs of well construction and pumping. In and near these areas, saltwater has intruded into the groundwater from the sea as much as two miles, and that water can no longer be used. As a result there have been losses not only in the wells, but in crops and in very valuable agricultural cropland.

The farmers' response to these shortages and the problems with the groundwater are quite interesting. They have either drilled illegal wells or, where drilling regulations are enforced, bought water from their neighbors. The effect is the same. The same amount of water is getting withdrawn as before and the same worsening situation with respect to groundwater is occurring. Hence the interest in the maximum utilization of the water that they have. This includes the reuse of municipal wastewater.

Costs for Water Development

We have identified the Nicosia and Kamares areas as sites for potential research and development in directly irrigating with wastewater. Kamares is a new refugee town constructed close to Larnaca. The costs and benefits need to be worked out by demonstrating what it takes to treat the wastewater, and then reusing it in these irrigated agricultural sites. The Greeks have made a considerable investment already for wastewater treatment at Kamares and are planning water reuse for irrigation. In Nicosia, investments made for simpler yet adequate sewage treatment facilities have been operating for several years. Kamares would need on the order of $500,000 of additional funds not presently allocated by either government or identified from a donor. Some years ago a Food and Agriculture Organization study laid out a preliminary design for demonstrating wastewater irrigation which in 1984 dollars would cost about $800,000 to get started.

These are only the beginning of costs. If, in fact, Cyprus is going to maximize the use of its water, it is going to require much larger investments than that. There are, for example, about 38,000 acres of citrus in the Morphou area. The flood irrigation methods used there are about 45 percent efficient. To bring that up to 85 percent efficiency through use of more sophisticated systems will require an investment of somewhere around $40 to $50 million. Other major investments are needed to investigate and control seawater intrusion by injecting wastes and otherwise surplus waters into groundwater.

In general, the Greek Cypriot side has available funds from the World Bank, the European Investment Bank, commercial banks and a number of bilateral sources. This is not true on the Turkish side. About the only present source of funds available to the Turkish Cypriot side for this kind of work is the government of Turkey itself or possibly the Kuwaiti or the Saudi Development Banks. The latter two, however, would respond only to a request from the government of Cyprus. That may come, but such a request would have to be very carefully identified and programmed so that the benefits to both the Greek Cypriot and Turkish Cypriot sides would be obvious.

Prospects for a Water Compact

I have talked to officials on both sides about a water compact so that Cyprus could be looked on as a single hydrological unit and so that planning for water use and water transfers would make sense. Informally, these officials have agreed that such a compact would be useful and would eventually be necessary.

Cyprus is probably the one place in the Middle East where water may be an instrument of reconciliation, where conflicts may be resolved rather than started over water. There are some reasons for this. The actual amount of water transfers across the green line are very small. Nicosia itself is interesting. Part of its water supply comes from the Morphou area. The city buys it. They use it. It runs back downhill. Along with water supplied from the Greek Cypriot side, it runs right downhill to the Turkish Cypriot side. It is treated and is used by withdrawing from the stream. These small surface exchanges will probably continue, but they will always be minor.* Each side would benefit from research and development on water reuse.

There are opportunities here. We know that we can integrate systems around the supply of water rather than around the presumed marketing of the crops. After all, not every country in the Mediterranean world can earn most of its foreign exchange by exporting oranges to Europe, but crops can be selected within an integrated system which takes advantage of the original use and then ultimate reuse of the supplies. So it is an opportunity.

The technological issues are easy. Nevertheless it will be difficult to sell this kind of an operation to the political leadership. One thing that we have working in our favor is that we are not talking about major amounts of water. The interbasin exchanges are very small. Either side can get along without the other. The technical assistance is something that they are both interested in because it leads to better use of investment funds. That would be the only thing I think that could glue it together, plus whatever advantage the two sides might see in world opinion. It is a little step, but it would signal a growing acceptance of the need to make practical and concrete arrangements for improving the standard of living on both sides while awaiting some kind of a formal and definite political settlement.

An Experiment in Track Two Diplomacy

(Philip H. Stoddard)

Years of fits and starts, diplomatic efforts, papers, and meetings have characterized the track one approach to resolution of the Cyprus conflict. I doubt that this approach is going to work. I take a very dim view of the ability of Greece and

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*Groundwater movements across the cease-fire line near Varosha are natural. They may be expected to continue.

Dr. Stoddard is Executive Director of the Middle East Institute. He was Director of the Office of Research and Analysis for the Near East and South Asia in the State Department's Bureau of Intelligence and Research from 1975 to 1978, its Acting Deputy Director for Research from 1978 to 1979, and Deputy Assistant Secretary for Current Analysis from 1980 to 1983.

Turkey to do anything constructive about this problem, and I have never thought highly of the capability of the United Nations, given the intractability of the Cyprus problem, particularly the sense of frustration, hurt, and grievance that surrounds this conflict on all sides. I also think that the Cypriot leadership—Greek and Turkish—has a vested interest in the conflict and, further, that the United Nations has institutionalized it over the years, thus enabling Cypriots to avoid facing the consequences of their own stupidity. Therefore, the solution, if there is to be one, may have to come from the people most directly affected by the conflict, the Cypriots themselves.

Workshop on the Cyprus Conflict

If the track one approach does not seem to be working, it makes sense to try track two. To that end, the Department of State and the Middle East Institute signed a contract to conduct an experimental workshop. This workshop was the result of the convergence of the concerns of two groups, veteran "Cyprus hands" in and out of government who thought that the time had come to explore new approaches for resolving this chronic problem, and specialists in conflict resolution who had been applying their disciplined techniques to intercultural conflict for many years. The workshop was held in Cambridge, Massachusetts, over the Memorial Day weekend in 1984. It had three broad aims:

1. To assess attitudes, perspectives, and other psychocultural aspects of intercommunal conflict on Cyprus.
2. To examine ways in which these attitudes might be changed or reinforced to lessen the conflict and animosity.
3. To suggest political and other practical arrangements that could minimize the negative impact of particularly tenacious attitudes.

The workshop was designed to create an environment and a setting for discussion that would maximize opportunities for interaction among the Cypriot participants and facilitate the emergence of new perceptions and ideas.

The selection of the participants was an important aspect of the workshop. Professor Herbert C. Kelman of Harvard University selected participants from both the Greek and Turkish Cypriot communities who have roots in Cyprus, who have personally experienced the results of the conflict, and who have expressed a desire to return to the island. Also, the participants, by virtue of their education and work experience in the United States, would be able to distance themselves somewhat from the situation in Cyprus. Although this would not alter their loyalties and concerns, it might enable them to express themselves freely without direct pressures from their respective communities.

Several third party facilitators were also included to help the Turkish and Greek Cypriots in the exploration of their respective needs and priorities and of areas of flexibility and inflexibility. Third party facilitators emphasized the *process* of exploring issues and feelings, attempted to get issues on the table, and discouraged rhetorical excesses and debating tactics. The focus was not on drafting a consensus document or negotiating a solution to the conflict. The third party members did not take sides, debate with the participants, offer advice, or jump in to clarify factual issues. Third party intervention was kept to a minimum. When it occurred, its aim was to emphasize the analytic approach to contentious issues, rather than to present particular substantive points of view. The aim was to achieve a clear understanding on the part of the Cypriot participants of their own perceptions and concerns and of those of the other side as well.

All but one of the participants were briefed extensively on the purposes, design, and general rules of the workshop before the first session, individually by Professor Kelman during the screening process and then in two groups prior to the first meeting of the workshop. The pre-workshop sessions with the Greek Cypriots (four persons) and then with the Turkish Cypriots (two persons) were instrumental in allowing each side to "tell its story" and to limit the need for such statements during the workshop itself. Each of the participants was asked to speak separately about how he or she saw the conflict and where each person placed himself or herself in relation to it. The aim was to avoid having one person set the agenda for each side, to ascertain where each person fitted into the political spectrum within each community, and to encourage discussion within each group.

Several of the participants described their childhood recollections of growing up with Turkish Cypriots or Greek Cypriots in a mixed communal environment. They noted that their parents spoke both Greek and Turkish and frequently did business with members of the other community. There was a sense of nostalgia associated with these past experiences and a feeling of sadness that subsequent events had separated the two communities. There was also a sincere desire to alleviate the cleavages. Both groups expressed their view that total separation was neither healthy nor desirable.

The participants were asked to view the workshop sessions not as negotiating sessions or debates, but as opportunities to look at the Cyprus conflict analytically. The emphasis would be on the *process* of conflict resolution, without an effort to resolve all the issues or to reach a consensus. The situation, it was suggested, should be viewed as a joint problem—for both Cyprus communities—that required a joint solution. The participants were asked to redefine the conflict in terms of the basic concerns and areas of compatibility, rather than merely to set forth the stated positions of each community.

After the pre-workshop sessions with each side, there were nine lengthy discussions over a three-day period of both groups together (four on the Greek Cypriot side and three, then two, on that of the Turkish Cypriots) with seven members of the third party on hand. No transcript was made, although detailed notes were kept for purposes of writing a report for the Department of State.

Interaction Among the Participants

The participants were able to establish a substantial measure of mutual trust and understanding of their respective positions. This positive attitude enabled them to confront basic areas of disagreement fairly openly, to challenge each other without feeling threatened and to argue passionately without alienation. This is not to say that each Greek Cypriot member communicated harmoniously with each Turkish Cypriot participant. Varying degrees of comradeship and rapport evolved.

The commitment of the participants to a shared purpose of exploring basic fears and needs, of analyzing the obstacles to a settlement, of searching for common ground, and of heightening the credibility of the observations of both sides seemed to bind the participants together during the session. And there was a humanizing effect on both sides of discovering that they had many ideals in common for the Cyprus of the future and that they shared a culture and confronted similar problems. Each side realized and each admitted that wrongs had been committed by both sides and that both sides had suffered.

Key Issues

The issues raised and the obstacles identified in the workshop sessions may provide valuable insights into the conduct of future workshops and even of formal negotiations. The participants expressed the view that thinking small could be more beneficial than taking on all the major issues at once. For example, it might be less difficult to establish a "proto-central" government with joint commissions to deal with the enumerated functions of the central government than to attempt to deal at the beginning with the nature of the central government as a whole. The principle of establishing the Federal Republic of Cyprus as an independent, non-aligned (on the Swiss model), bicommunal/bizonal state was accepted readily. The principle of territorial adjustment with a declaration of principles (with criteria for fairness to be negotiated) was also agreed on rather quickly. Similarly, both sides agreed that focussing on practical solutions to common problems—e.g., water and sewage, higher education, pollution—through joint commissions was the approach most likely to produce results.

The obstacles and difficulties confronting the two communities, as identified through the interaction of the two sides in the workshop, included the following:

1. the lack of trust between the two communities;
2. disagreement over the powers of the central government; would it be "weak" or "strong?"
3. differences over such concepts as "security," "fairness," and "equality;"
4. mutual suspicion with regard to relationships to the two mainlands, i.e., anxiety over extra-Cypriot loyalties; and
5. the importance of language and the need to avoid "buzzwords" that impeded understanding and raised "red flags."

When communication and trust (generally described as a matter of "credibility," i.e., of thinking of answers to the question, "What do I have to do to persuade you to believe me?") were established between the participants in the workshop, barriers were lowered. Progress could then be made in identifying the basic needs of both communities and the obstacles to agreement. When the participants examined their real concerns and fears, instead of trying to write treaties and draft consensus documents, they were able to reach understandings on some aspects of the key issues.

7. U.S. POLICY SINCE 1974

(Raymond C. Ewing)

Over the last ten years, there has been a great deal of consistency and continuity in U.S policy toward Cyprus. Over three administrations the U.S. government has found the existing situation in Cyprus to be unacceptable and potentially unstable and has supported a negotiated settlement that would be fair and durable and that would reflect the independence and territorial integrity of an entity called Cyprus.

Dealing with Immediate Effects of the Turkish Intervention

From 1974 until 1976, the parties concerned, and certainly the United States, were primarily interested in the immediate effects of the 1974 Turkish intervention. The United States began to encourage a negotiating process and put in place an assistance program through the good offices of the U.N. high commissioner for refugees which has continued to this date. The United States supported then and still supports the U.N. Peacekeeping Force in Cyprus. Our government puts up about half of the annual contributions that are received by the United Nations to support UNFICYP. All along, the United States has supported the special representative of the secretary-general who is present on the island to encourage whatever negotiating prospects may exist.

Throughout the last decade, much of the administration's time and attention, as it relates to Cyprus, has been devoted to the congressional aspect. In early 1975, an embargo was put into effect against Turkey. In one form or another it lasted until 1978.

Shortly after 1974, attention was already focused on what might constitute a Cyprus settlement. Secretary of State Henry Kissinger enunciated some basic principles in speeches that he gave at the U.N. General Assembly in both 1975 and 1976. In

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Ambassador Ewing was Ambassador to Cyprus from 1981 to 1984. Prior to that, he served as Deputy Assistant Secretary of State for European Affairs and Deputy Director and Director of the Office of Southern European Affairs.

that period, especially in 1976, there were also some exchanges with the European Community member states about principles for settlement. That exercise did not go very far, but some of the ideas from those exchanges were included in the early 1977 high-level agreement between Makarios and Denktash.

The Clifford Mission

When the Carter Administration took office in early 1977, a high priority was assigned to the Cyprus issue. Within a month of President Jimmy Carter's inauguration, the so-called Clifford mission headed by Clark Clifford was dispatched in February 1977. His mission was twofold: to see what could be done about Cyprus and about NATO's southeastern flank. The Carter Administration knew it had to make an early decision about whether or not to implement the defense cooperation agreements with Turkey and Greece. The agreement with Turkey, concluded in 1976, provided for a billion dollars of security assistance over four years; Greece was to receive $700 million.

En route to Greece, his first stop in the area, Clifford met with Secretary-General Kurt Waldheim in Vienna. He tried to reassure Waldheim that the United States was not in itself looking to take over the Cyprus issue or to play a role separate from or in conflict with the secretary-general. Instead the United States wished to be suportive of the secretary-general who, under resolutions of the Security Council, has a clear mandate from the international community to provide good offices in efforts to resolve the Cyprus dispute.

After Vienna Clifford went to the various capitals in the area: first Athens, then Ankara, and finally Nicosia. As a result of his mission, the two sides were more forthcoming at the Vienna round in late March and April of 1977.

Not a lot happened quickly after that Vienna round. In 1978 the administration decided to try to persuade Congress to lift the remaining restrictions imposed on Turkey. The U.S. embargo on Turkey was hanging over the Cyprus issue and the role that the United States could effectively play.

Congressional consideration of the administration's proposal went on for many months. Eventually, however, the Carter Administration did secure lifting of the remaining embargo restrictions.

The Framework Proposals

Shortly afterwards, in early Septemer 1978, then-counselor of the State Department, Matthew Nimetz, traveled to Cyprus to see whether the parties believed that the moment was ripe to resume negotiations. In November, working with the British and the Canadians and in close consultation with some of the other major European allies, the United States put forward to the two parties and to the other interested countries a set of "framework proposals," also called the ABC proposals. These were rejected by the government of Cyprus and by the Greek Cypriots and were certainly not given a very warm and encouraging welcome by the Turkish Cypriot side. The proposals were very specific and detailed in some areas and very vague in others. It was an effort to develop a set of ideas that would give something to both sides. It was to be an inducement to return to the negotiating process.

In my opinion, these proposals were not a failure. Some of their key features are still being discussed and considered in one form or another. One sees elements of them in the 1979 ten-point agreement that Kyprianou and Denktash reached. One sees them also in some U.N. Secretariat documents—in the 1980 opening statement which led to the resumption of actual intercommunal meetings at the Ledra Palace Hotel, in the so-called evaluation document that the secretary-general put together in 1981 in which he identified areas where there was consensus or agreement, and even in the initiatives that the secretary-general has taken since August 1983.

Special Cyprus Coordinator

In 1979 and the election year of 1980, the United States moved back a bit and took a less active role. However, when the Reagan Administration came to office in early 1981, it made clear that it would give priority to the achievement of a Cyprus settlement. One manifestation of that policy was the appointment that year of a special Cyprus coordinator, a person of senior stature in the State Department with responsibility for following day-to-day efforts to work toward a settlement. That person would be able to deal with all of the concerned parties. When he suggested the appointment of this individual, Secretary of State Alexander Haig probably saw a precedent in the role that Matthew Nimetz had played during the previous administration. Nimetz, as one of the senior associates of Secretaries of State Cyrus Vance and Edmund Muskie, was able to follow matters related to Cyprus very closely. If he thought there was an opportunity for the United States to play a useful role or to influence developments that could be done.

Cyprus gets a great deal of attention in the U.S. government. The special Cyprus coordinator is one manifestation of that. Another is the requirement that the President submit a report to Congress every 60 days on progress that has been achieved, whether there has been any progress or not. Congress feels that the situation of division, of stalemate in Cyprus, is not acceptable.

Fund for Development

In the spring of 1984, the administration, supported by many in Congress, came up with the idea of a $250 million fund for reconstruction and development for Cyprus. This was badly misconstrued by many in Cyprus as a bribe or as an effort on the part of the United States to achieve with money what it could not achieve with words. In fact one should see the fund as a commitment on the part of the Reagan Administration to back up its words with something more tangible.

It is true that the island is prosperous, particularly the Greek Cypriot area, which has done very well over the last ten years. It is a developing country which is rapidly moving forward. The Turkish Cypriot economy is not doing so well, but comparisons with the Greek Cypriots are not of great consequence to the Turkish Cypriots. Still, there are projects and activities of value to both communities which could benefit from a reconstructional development fund.

Encouraging Cooperative Activities

The U.S. government recognizes the government of Cyprus as the only legitimate government in Cyprus. The American ambassador and the American Embassy are accredited to President Kyprianou and his government. We in the U.S. government condemned the declaration of independence by the "Turkish Republic of Northern Cyprus." However, we do realize that there is a Turkish Cypriot community which will continue to stay on the island, and we have contacts with that community as we have had since independence in 1960.

As ambassador I tried to encourage cooperative activities, bridges across the green line. November 15, 1983, the date of the unilateral declaration of independence, was a watershed in many ways. It was an important political and emotional action for both communities, but in practical terms it did not greatly change the situation that existed before that date. Diplomats, the U.N. Development Program representative, and the special representative of the secretary-general were still able to cross the green line and to have contact on both sides.

U.S. assistance is handled through the U.N. High Commission on Refugees. This has allowed the United States not only to help deal with many of the refugee problems that the Greek Cypriots have faced and to show another tangible manifestation of our political concern about Cyprus, but it has also allowed us to meet some of the Turkish Cypriot needs. About 20 percent of our refugee assistance has gone to the Turkish community.

Recently the United States started a scholarship program that has allowed both Greek and Turkish Cypriots to come to the United States and study at colleges and universities.

There is a tremendous interest in the United States in Cyprus. Many of the hard feelings toward us that existed in 1974 have eased over the years. Through the opportunities to study in the United States, many Cypriots meet and have contact with people from the other community for the first time. Since the scholarship program was started a few years ago, we have tried to conduct a bicommunal orientation program for the students. In addition, the selection panel is bicommunal; representatives from both communities sit on it. Perhaps there are other things that one could do, but in a place like Cyprus, one has to deal with what is possible and what is realistic at any particular time.

U.S. Support of the U.N. Role

The U.N. role in Cyprus is very important and is the basis of U.S. policy. When we talk about the United Nations in Cyprus, we are talking primarily about the good offices role that has been mandated to the secretary-general. The General Assembly and the Security Council are not so deeply involved, although clearly they do have roles to play from time to time.

The current secretary-general, Javier Perez de Cuellar, lived and worked in Cyprus for several years under Secretary-General Kurt Waldheim. He knows the issues, the people—he knows what Cyprus is about.

Is this the right moment to hope for a Cyprus settlement? Probably not. However, ten years is a long time. The situation is becoming more solidified. The Turkish Cypriots, with their declaration of independence, which is certainly very popular in the Turkish community, have taken a step which will not easily be retracted. In any kind of a negotiating process they will want to achieve something that preserves what they regard as their basic requirements of security, autonomy, and control over their own affairs.

The Greek Cypriots were shocked by the events of November 1983. They have entered into several efforts to find a negotiating formula to move ahead, including President Kyprianou's participation in the proximity talks. They have taken minimal, practical, tangible actions against the Turkish community. Obviously they are looking for some way that Cyprus can be pulled back together, but it is difficult. On the back of an envelope it looks simple, but there are very great obstacles to moving from here to there.

8. SUMMING UP

Future Prospects *(David T. Jones)*

What prevents a solution to the Cyprus problem is lack of good will. Neither the Greek Cypriots nor the Turkish Cypriots are sufficiently unhappy with the status quo to make the very difficult compromises necessary to achieve the obtainable solution—not the solution that they would wish in their heart and soul, not the solution that Political Science 101, one man-one vote, is going to give you, but the obtainable solution.

In reaching such a solution there cannot be any deus ex machina. That was tried in 1960. In 1960 an effort was made to create a perfectly acceptable solution. The 1960 constitution, all hundred plus pages of it, is a solution. Unfortunately none of the Cypriots on either side seems to find it an acceptable one, partially because they had not been involved in making the hard choices and compromises on which the constitution was based. If they had made the compromises in the first place, they would have made them work. Without an agreement worked out bit by bit between the communities, there is not going to be any acceptable solution.

At the time of the symposium, Mr. Jones was the Principal Officer in Charge of Greek Affairs at the Department of State.

For those people that turn to the United States, out of frustration or out of a simple desire to avoid the problem directly, and say that we have to be the solution, I say we simply cannot be *the* solution. The solution has to be worked out between communities, through the aegis of the secretary-general, with whatever effort the United States can make in this forum. Whenever the United States has gotten out in front, as the 1978 proposals indicated, we were turned upon by all concerned and the effort ended very quickly.

The current proximity talks come close to a last chance for Cyprus. Over the years the line between the communities has got deeper and deeper. It is now close to becoming a trench which neither side will be able to leap even with a resurgence of good will. In the current proximity talks both sides are going to have to make a maximum effort to see if they can move a little bit closer together to prevent the current solution, which indeed is a solution to the Cyprus problem, from becoming *the* solution—the solution that none of us wants.

Lessons Learned *(David H. Popper)*

Looking back on what the United States has done in Cyprus with all our faults and failings, and comparing that with some other problems which we have tried to manage in the neighborhood, the Cyprus problem appears to be a model of pacific development. So perhaps we ought not to blame ourselves and beat our breasts about things we might have done differently in 1974 or at any other particular time.

Obviously the United States has a limited capacity to act in Cyprus either by way of exerting pressures or offering inducements to one or the other party. Certainly we have a considerable influence, probably more than any other single power, but that influence in itself is not very significant. We would be deluding ourselves to overrate it.

Many opportunities have been lost—opportunities that, if they had been seized in the past, would have been effective. But by the time one or the other party got around to agreeing to consider them, it was too late. The concept of federalism is one example. Another is the question of how much territory should be occupied by each contestant.

There is a feeling that the United Nations is helpful because there is no one else to turn to. However, the United Nations has one great function, conveying legitimacy. It has conveyed legitimacy to the Republic of Cyprus since its first days, and the great diplomatic success of the Republic of Cyprus has been to retain the support of the overwhelming majority of the United Nations through thick and thin with respect to its legitimacy. The Turkish Cypriot side, since 1974, has not attained legitimacy in the eyes of the United Nations.

U.N. mediation, properly stated, ended when the Galo Plaza report blew up in smoke, but U.N. good offices—assistance to the parties in agreeing if they want to agree—that is irreplaceable.

A good deal has been said about the psycho-political aspect of this problem. It is quite true that one can get a very refreshing perspective from a group such as the working group of young, uncommitted people that met in Cambridge, Massachusetts. The deliberations of such groups yield results which are eminently sensible, fresh, and different from "official stands and pronouncements." However, these people, who lack the responsibility of government can do nothing but formulate logical constructs. If you talk about arms control and you bring non-governmental Russians and Americans together, you get great solutions. The only problem is that it is much more difficult to put them into effect in the real world than it is to talk about them around a table in another country. I do not mean to belittle the value of the exercise, but it must be understood that the problem is to sell some of these conclusions to the people who have the responsibility for governing the two areas.

Lying ahead is a slowly solidifying status quo which is new since 1974 and newer since 1983 and the proclamation of the Turkish Republic of Northern Cyprus. What we have to keep in mind is the possibility of some sort of new perspective which takes into account the status quo and the vested interests that have grown up. Perhaps eventually the United Nations can make a real impact on these two communities to get some kind of a weak, overarching central structure in place above two largely independent communities. To me that seems the most plausible way of dealing with the present situation. Currently, Perez de Cuellar is trying to do in New York what President Carter did at Camp David, to knock heads together and see if something can come out. If this is not successful, it is very hard to see what other type of outside influence can be successful in moving the parties who must, we all agree, retain the main responsibility for some sort of permanent status for their relationships.

CHAPTER IV

NEGOTIATING ZIMBABWE'S INDEPENDENCE

1. INTRODUCTION

(Robert V. Keeley)

The "Rhodesian problem" was the next-to-last major conflict over the decolonization of Africa to be resolved (the last—Namibia—has yet to achieve a settlement). For a decade and a half it defied resolution and appeared to be intractable, because of the strength and intransigence of the white minority ruling the country with the support of the South African government. The British colony of Southern Rhodesia had been granted internal self-government as far back as 1923, but that had meant rule by the white minority which never numbered more than 3 percent of the population. Britain was determined to grant the territory its independence only under a constitution which would provide, at least eventually, for a government in which the black majority would predominate. White Rhodesians were equally determined to maintain their own dominance, even to the extent of themselves declaring the country independent in 1965, an action pronounced illegal by Britain and the international community of nations, which imposed sanctions against Rhodesia in an effort to thwart that maneuver. Successive British governments made a number of attempts to negotiate a solution, but each foundered on the unwillingness of the white regime to relinquish power to the blacks and the refusal of the latter to accept anything less. Some of the black nationalists, despairing of finding a solution through negotiations, took up arms and mounted what developed into a bloody

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Ambassador Keeley was the first American Ambassador to the Republic of Zimbabwe. He served there from 1980 to 1984. Prior to that he was Deputy Assistant Secretary in the State Department's Bureau of African Affairs.

civil war across the racial divide in the 1970s. Following the Portuguese revolution, which resulted in the establishment of Marxist, Soviet-supported regimes in the former Portuguese colonies of Mozambique and Angola, Henry Kissinger, seeing a threat to all of Southern Africa, became actively involved in trying to work out a Rhodesian settlement. That effort ended with the abortive Geneva Conference of 1976, to be followed by the Anglo-American proposals of 1977-79 fathered by David Owen of Great Britain and Andrew Young of the United States. An "internal settlement" arranged by Ian Smith with some of the black nationalists, principally Bishop Abel Muzorewa, produced a new constitution, elections in which the guerrilla movements did not participate, and a mixed black-white government which took power in the spring of 1979 in what was renamed "Zimbabwe-Rhodesia." But this failed to end the war, which continued to heat up. These developments set the stage for the conference convened at Lancaster House in September 1979, presided over by Lord Carrington, the British foreign secretary, and bringing together all the principal Rhodesian players, including Smith and Muzorewa representing the government in Salisbury, and the leaders of the two guerrilla forces, Robert Mugabe of ZANU and Joshua Nkomo of ZAPU, who were somewhat loosely joined in the "Patriotic Front" liberation movement. The case study which follows focuses on the Lancaster House Conference which succeeded in achieving a resolution which, though not entirely satisfactory to any of the parties, obtained their support or acquiescence in the establishment through free and fair elections of an internationally recognized, black majority ruled, constitutional democracy under the name of Zimbabwe.

2. THE HISTORICAL SETTING

(Prosser Gifford)

The Pre-Negotiation Phase

Before the First World War, it was apparent that the real fight in Southern Rhodesia, as it was then called, was over land. Africans knew that; the whites knew it; the British knew it. The question of who controlled the land under what terms, and particularly what were the terms of African ownership of land, was a highly contentious policy issue.

Equally important was the influence of South Africa. British policy toward Rhodesia was always shaped in reaction to South Africa. The vote in 1922, which gave Southern Rhodesia internal political autonomy or a self-governing colony really was a vote on whether or not Southern Rhodesia should join the Union of South Africa. The party that chose the autonomous option for Southern Rhodesia, won, but not by much.

The Central African Federation

In 1953, a second vote of crucial importance brought Southern Rhodesia into the Central African Federation (the federation of Southern Rhodesia, Northern Rhodesia—now Zambia—and Nyasaland—now Malawi). Again that vote was taken under the fear of the newly aggressive Afrikaner dominance, for only five years before, in 1948, the Afrikaners had taken over the political reins in South Africa. The vote in Southern Rhodesia was in actuality a vote against South Africa and a hope that there would be another kind of barrier created between the Afrikaners of the south and the African blacks of the north.

Politics in Southern Rhodesia meant the politics of a small white minority. It was dominated in the inter-war years by Prime Minister Godfrey Huggins, who was a medical doctor, and his party. Huggins was steadfast in his desire to unite Southern Rhodesia with Northern Rhodesia. He began that process in 1934, and after the Second World War he kept trying. Huggins realized that the copper wealth of Northern Rhodesia was going to be much more significant, as a source of revenue, than anything Southern Rhodesia then had. He also felt that the small white population in Northern Rhodesia, scattered mostly along the rail line and rather strong in farming, together with the white mining communities of the copper belt, if joined with Southern Rhodesia would make a strong Central African bloc.

Before the war, the people in the British Colonial Office stoutly resisted any thoughts of federation, affirming that the interests of the Africans in the northern territories should take

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Dr. Gifford is the Deputy Director of the Woodrow Wilson International Center for Scholars.

precedence. By the early 1950s, however, federations were being created in Malaysia, in East Africa, in the Caribbean, in Nigeria, and in Central Africa, supposedly as a prescription for viability of a number of small entities. One of the clear hopes was that constitutional generosity on the part of Great Britain might induce generous behavior in Central Africa. That was a naive hope. One has only to look at the settlement of Union in 1910 in South Africa to assess the degree of that naivete.

Arguments in favor of federation went like this. The hostility of the Africans in the north to the idea of federation was basically uninformed. There were sure to be great economic advantages to such a combination. The political contentiousness of Southern Rhodesia would be weakened if the country were united with large African populations in the north, and the economies would be strengthened by scale and by complementarities. Those who were opposed, chiefly the Labour Party in England, argued that federation ought not to be imposed against the will of the majority of the population, that there were not adequate safeguards, and that, in effect, the government was being put into the hands of a white-dominated legislature.

Southern Rhodesia benefited enormously from the first four years of federation. The great expansion and investment in manufacturing and European immigration went disproportionately to Southern Rhodesia. Copper was booming, and financial formulas reallocated monies from the north to the south. However, in 1956, the governing party of the Federation made a fatal error—at least from their point of view. They wanted to amend the federal constitution to enlarge the electorate, but in a way that would dilute African representation.

The African Affairs Board in Britain, which was one of the relatively few safeguards established in the 1953 constitution, had never acted on a policy, but it took the proposed amendments under advisement, determined that they were discriminatory, and referred them to Parliament. There was a long and sustained debate which led to a division. In a straight party vote the Conservatives won 301 to 245, and the amendments were rejected.

This vote established the timetable that everybody then had to work to. It was clear that within three years there would be a review of the federal constitution, that the white ruling groups would push for dominion status for the Central African Federation, and that the Africans, if they wanted to derail that

Negotiating Zimbabwe's Independence

Key Dates

1965	Rhodesia declares its independence from Great Britain.
1968	The United Nations institutes comprehensive mandatory sanctions against Rhodesia.
1974	Coup in Portugal; self-determination promised to its African overseas territories (Mozambique, Angola, Guinea-Bissau, Cape Verde, and Sao Tome and Principe).
1975	Victoria Falls Conference: African National Council and Ian Smith meet with Kaunda and Vorster in attendance.
1976	British Foreign Secretary Callaghan presents two-stage plan. • Kissinger meets with Smith and Vorster in Pretoria and pledges massive financial aid to an independent Zimbabwe. • Geneva Conference is held but fails to bring about agreement.
1977	British Foreign Secretary Owen proposes a new all-parties conference. • Anglo-American Consultative Group shuttle diplomacy develops Anglo-American proposal.
1978	"Internal Settlement" announced. • United States and Great Britain propose an all-parties conference. • ZAPU shoots down Rhodesian commercial airliner.
1979	Internal settlement elections held; Muzorewa elected prime minister. • U.S. House of Representatives turns down the Senate's proposal to lift sanctions. • Thatcher government comes to power. • Lancaster House Conference results in a new constitution for Zimbabwe and provisions for a cease fire and transition to majority rule.

particular train, had very little time. Things moved fast and Hastings Kamazu Banda in Nyasaland and Kenneth Kaunda in Northern Rhodesia began, with a new sense of urgency, to create political organizations and make clear the African opposition to federation.

By 1959, there had been significant riots and disturbances in both Nyasaland and Northern Rhodesia. In 1960 a commission under the direction of Lord Monckton was appointed to review the Federation, and it was determined that secession from the Federation would be possible: Nyasaland and eventually Northern Rhodesia could withdraw from the Federation.

That, in fact, signaled its end, and by late 1964, both Malawi and Zambia were independent.

At the break-up of the Federation, the British missed an opportunity to put pressure on Southern Rhodesia for constitutional change. The Federation achieved almost exactly the opposite of what had been argued in its favor at the outset. In the end the two territories to the north emerged with politically stronger and economically weaker regimes, and Southern Rhodesia, rather than having its internal politics tempered, emerged with a much stronger right wing, all white party. Following the Monckton Commission there was a moment when the British had some leverage. They could have asserted a much more forceful line of argument over the constitutional devolution of Southern Rhodesia; but having missed that moment, thereafter they could not influence the internal constitutional structure.

The Unilateral Declaration of Independence

In Southern Rhodesia in the period at the end of Federation Sir Edgar Whitehead, the head of the Southern Rhodesian government, tried to reach out to African voters and, through an appeal for their increased registration, attempted to change somewhat the complexion of the Southern Rhodesian electorate. The result was politically disastrous for Whitehead. White attitudes hardened; white fear of fundamental changes, for instance in the land apportionment act, was played upon; Africans boycotted the elections; white voters shifted to the right, elected the Rhodesian Front Party under the leadership of Ian D. Smith, and virtually eliminated the United Federal Party. That pattern was repeated under Smith in the mid-1970s. Every time someone tried to enlarge the franchise, the existing electorate shifted to the right and extruded those who wanted to bring in new groups of voters.

Once Malawi and Zambia were independent, what was to happen to Rhodesia? In Rhodesia's drive for independence, the fight was over the constitutional state and the rate of the progressive enfranchisement of Africans. The internal political process was not likely to bring that about, and the British had, in effect, given away their real powers in 1923 and had never tried thereafter to assert their reserve powers. Arguments went on about whether or not the British would try to intervene in shaping a Rhodesian constitution until Rhodesia declared its independence on Armistice Day, November 11, 1965, issuing a parody of the American Declaration of Independence.

British reaction to this unilateral declaration of independence (UDI) was ineffectual. Prime Minister Harold Wilson tried various things including an oil embargo of the ports of Mozambique. He even tried gun boat diplomacy to shut off tankers' access to the pipeline in the port of Beira. He shut down that pipeline, but Rhodesia got plenty of oil in other ways—overland from South Africa and even from other parts of Mozambique. Britain ruled out the use of military power because it would have been extremely difficult to bring sufficient power to bear on Central Africa given the relative sympathy of South Africa for the Rhodesian cause. At the same time Britain could not muster enough economic clout to make a difference. So the real dilemma was that Rhodesia was still a British responsibility over which the British had little leverage.

Attempts at Negotiation

There were a number of abortive negotiations. The most memorable is the one aboard the British cruiser Tiger sailing out of Gibraltar in which Prime Minister Wilson tried, in a period of about 48 hours, to pressure Ian Smith into accepting a return to constitutionality by admitting that the UDI was illegal and that a British governor should take control again. Once that happened, there would then be a test of the whole population—although there were arguments about what portion of the population would have to be included in the test—about the nature of independence. That would be followed by a series of negotiations about the process of enlarging the African electorate over time. However, the whole negotiation collapsed. Smith refused to be boxed in, as he regarded it, by these issues, and Wilson's moment passed.

There was really no progress in the negotiations until the collapse of Portugal in April 1974. Changes then came fairly rapidly. Portugal's collapse greatly raised the morale of the black challengers to power. A significant guerrilla movement had grown up by that time, and the transformation of Mozambique put another 300 miles of Rhodesia's border in an exposed position. (Both Robert Mugabe and Joshua Nkomo had guerrilla armies.) The choices became more stark—either violence should be escalated or there should be some new move to negotiations. The whites within Rhodesia were deadlocked. In debates over which course to take, every time the more generous course appeared to win, there was a threat to consolidate to the right.

Two outside regimes intervened in 1974—Zambia and South Africa—and by the end of October of that year, they had made clear their interest in a regional settlement. Eighteen Rhodesian Africans, some of them let out of jail for the purpose, met in Lusaka in early December of 1974 with the presidents of Zambia, Tanzania, and Botswana to try to work out some sort of an agreed internal settlement and progress towards constitutional rule. In January 1975 both President Kaunda of Zambia and Prime Minister Johannes Vorster of South Africa were leaning on their respective allies. But Rhodesia was still intractable and was beginning to diverge even from South Africa. It was clear that for South Africa, in the long term, regional stability was more important than the interests of the white minority regime in Rhodesia. That was clearly not so for white Rhodesians.

The next dramatic moment in this flux of negotiations was the Victoria Falls conference in August of 1975 when the African National Council and Smith met, with Kaunda and Vorster in attendance. Although the hopes were high, the meeting broke down fundamentally over disagreement as to whether or not political power within Rhodesia should be transferred from minority to majority in advance of detailed talks. Smith refused to make that a precondition of the talks and they never got started.

Callaghan's Two Stage Plan

By the end of 1975, three things were clear. The first was that Rhodesian whites were terribly afraid of any notion of majority rule and resisted it every time it came up as a fundamental proposition. Second, bitter rivalries within the black leadership not only made any consistent negotiations difficult, but made it easy for Smith not to face the facts. That in turn made it harder for Vorster to lean on Smith and drove Kaunda and Julius Nyerere, president of Tanzania, almost to despair. Third was the Angola time bomb. Angola had become independent in November of 1975 and it became clear that events there were not predictably in anybody's control, providing another potential guerrilla sanctuary against Rhodesia. In December of 1975, Kaunda announced that he had no option but to back armed struggle, and in February 1976 the presidents of the four front-line states—Zambia, Tanzania, Botswana, and now Mozambique—gave unqualified support to guerrilla struggle as the only way to resolve the Rhodesian issue.

In late February 1976, Smith announced in the Rhodesian Parliament that the time required "that we change our tactics." Nobody was quite sure what he meant, but it seemed to be an acknowledgement that he could not continue as before. However, constitutional talks between the African National Council and the Rhodesian Front broke down again. It was at a press conference announcing the breakdown of these talks that Smith said, "I don't believe in black majority rule in Rhodesia, not in a thousand years."

In late March, British Foreign Secretary James Callaghan announced a two-stage plan. The first stage was for all parties to reach agreement on four points: acceptance of majority rule; elections for majority rule within 18 months to two years; no independence before majority rule—the acronym NIBMAR, which had become one of the key planks in black negotiations; and no long drawn-out negotiations. The second stage was negotiations in which Britain would be prepared to play a constructive part. In fact, Callaghan said Britain would meet any parties anywhere to advance negotiations. In other words, by 1976 Britain had formally acknowledged its responsibility and its role for trying once again to resolve this long, drawn out crisis.

3. PREPARATION FOR THE NEGOTIATIONS OF DECEMBER 1979

The Kissinger Initiative: 1976-1977 *(William E. Schaufele)*

The American initiative in 1976 came in part out of what happened in Angola. The U.S. administration was worried that a wave of leftist governments might take over in that part of Africa.

Ambassador Schaufele was Assistant Secretary of State for African Affairs from 1975-77.

U.S. Goals

Essentially the United States had two aims in taking on a mediator role. One was to find a way to achieve self-determination for Rhodesia and Namibia. The other was to bring about self-determination in such a way that the Soviet Union and its friends would not accrue influence in Southern Africa.

Although the United States had clear aims, we did not have any kind of formula. What has subsequently been called the Kissinger Plan was never a plan per se but rather something that evolved over a period of negotiation.

The United States was negotiating with the United Kingdom, Tanzania, Zambia, South Africa, Botswana, Mozambique, and Rhodesia itself. We kept other people informed to a certain degree—our European allies in particular—and were in constant contact with Zaire and Kenya, although they did not participate in the negotiations themselves.

Kissinger's Trip to Africa

The process began with Secretary of State Henry A. Kissinger's trip to Africa in April 1976. It is no secret that a certain amount of distrust had to be overcome because of what was perceived as the past U.S. support for the white regimes in Africa. Kissinger sought assistance from Great Britain in the months preceding that trip. However the Labour government was extremely ginger about this whole thing. Labourites did not like the Rhodesian issue and were afraid that if they even seemed to be negotiating with Ian Smith they would lose the next election. Although the British government was extremely helpful, political will was somewhat lacking in that period and later.

Kissinger's team went to Africa and visited various places, but we really got into the nitty-gritty in Tanzania and Zambia. Kissinger gave his well-known speech in Zambia on April 27. We talked to the chiefs of state to find out what was acceptable to them. In effect we had to get clearance which was vitally necessary for our subsequent conversations with the South Africans and, eventually, with Ian Smith. After the contacts with Zambia's Kaunda and Tanzania's Nyerere we met in Germany with Vorster to explore the attitudes of the South Africans.

These meetings also included discussions of Namibia. In fact, at one point in the whole proceedings, we received a message from Nyerere saying that he felt we could do nothing in

Rhodesia and we should turn all our attention on Namibia. At that particular time Tanzania thought it had more influence with SWAPO (the South West Africa People's Organization) than turned out to be the case. We felt we probably had just as much chance of achieving something in Rhodesia as in Namibia.

It became clear that South Africa was willing to participate in the attempt to achieve self-determination for Rhodesia. However, the South Africans never negotiate very easily and always like to have something in hand before they give something up. The language used in the negotiations was very often ambiguous and seemed always to be conditional so that our only option was to keep pushing. Any proposal that was made to us by the South Africans, and eventually by the Rhodesians, was carried back to Nyerere and Kaunda and also to Sir Seretse Khama, the president of Botswana at that time. Although he was not terribly active among the front-line leaders, he was always a force for moderation and good sense.

Another complicating factor was the differences among the front-line state leaders about whom to support among the Africans in Rhodesia. Zambia supported Joshua Nkomo, leader of ZAPU (Zimbabwe African People's Union), and Tanzania and Mozambique supported Robert Mugabe, leader of ZANU (Zimbabwe African National Union). No one supported Bishop Abel Muzorewa, of the African National Council, very much except the Methodist Church in the United States.

Ndabaningi Sitole, Mugabe's predecessor as leader of ZANU, came back after a long period out of prominence and tried to gain a position in the negotiations. Thus, at one time we were confronted with four aspirants for power. We met Nkomo on various occasions, usually in Zambia. Muzorewa we met both in Washington and in Africa, although he was highly distrustful of the U.S. initiative for a long time. We did not meet Sitole and Mugabe until we got to Geneva in the fall of 1976.

The Buy-Out Plan

The single most controversial issue which arose during the whole period of negotiation was the so-called "buy out" plan whereby funds would be provided to reimburse white residents of Rhodesia for any losses they might suffer if they chose to leave an independent Zimbabwe. Actually the buy-out plan never really materialized in any concrete fashion during all that period. Interestingly enough, the African front-line state leaders did not object to it much. The buy-out plan was discussed extensively in the United States and elsewhere, but it never really made any progress because it would only have been part of a package and not a condition in itself.

The first Kissinger-initiative meeting with Ian Smith in Pretoria was arranged by Vorster and the South Africans. Smith nominally came to Pretoria for a soccer game. It was the only meeting that Secretary Kissinger personally had with Ian Smith, although I met with him in Salisbury later in the process. At the meeting Smith agreed to the so-called Kissinger package which combined a pledge of financial aid (presumably for the buy-out plan) with a two-year transitional period under white control to majority rule.

The 1976 Geneva Conference

The final result was that the British convened a conference in Geneva in October 1976 to be chaired by Ivor Richard, who was then the British permanent representative to the United Nations.

The various parties approached the Geneva Conference with differing expectations. The United States wanted some kind of a settlement and used its influence to pressure the various parties. However, it was felt that the British should bear responsibility for bringing a settlement about.

The South Africans, especially after the independence of Angola and Mozambique, wanted to have as many guarantees as possible built into the agreement—guarantees which would help to protect their own security and their northern border. The South Africans were also concerned about making economic and financial arrangements with a newly independent Zimbabwe.

The Africans wanted a resolution of the problem for various reasons; Kaunda wanted to get a white-ruled Rhodesia off his doorstep; certainly President Samara Machel of Mozambique wanted to get the guerrilla forces out of Mozambique and back into Rhodesia or Zimbabwe. Nyerere had the same general interests himself, although he also had a deep desire to be one of the major actors in achieving a settlement in Rhodesia. At some point Smith finally realized that the handwriting was on the wall and by that time had conceded that some kind of majority rule was inevitable. However, he wanted the kind of safeguards for the white minority which were eventually built into the constitution: guaranteed seats for whites and the blocking mechanism for amendment of the constitution.

We thought Geneva might provide some kind of forward motion which would propel the parties over the last barriers. However, the conference was a failure. The Patriotic Front feared that white power during the transition would make fair elections impossible and Smith's continued control probable. It wanted to be in control during the transition. Smith would not compromise policies designed to preserve white control. The Rhodesian foreign minister was particularly odious in the way he handled the negotiations. He made it very difficult for the Patriotic Front, an entity formed by ZANU and ZAPU for the purpose of the negotiation, and the other negotiators. The British Labour government was not then prepared to resume power for the transition period.

The American presidential election also affected the outcome. Muzorewa saw the new Carter Administration as more sympathetic to his opponents and began to make noises about an internal settlement. And the Patriotic Front became somewhat more recalcitrant in dealing with the issues because it saw the new administration as more favorable to it.

The Owen-Vance Period: 1977-1979 *(Stephen Low)*

There are two ways to look at the process that led ultimately to a successful meeting at Lancaster House. One is to consider the steps that the negotiators took that either helped or hindered the process. The other is to examine all the other routes that did not succeed, for it was only when all those other routes ultimately fell by the wayside, one after the other, that the parties had no choice but to accept the negotiated solution.

Multiple Tracks toward a Settlement

In the 1977-1979 period at least five tracks were being followed simultaneously at official governmental levels. (There were also five or six unofficial tracks.)

In July 1978, Smith was following four tracks at the same time, exploring each one seriously as a possible solution. So while we were dealing with the negotiating track, the obvious alternative was war. It was the track the parties themselves pre-

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ferred. Smith would have preferred a military solution and so would have the Patriotic Front. For them it would have meant a total victory, and, for the most part, they believed they could achieve it. They did not have a great deal of faith in any of the other tracks.

Smith's second track certainly was the internal settlement. He hoped that if he could not succeed militarily, at least he could work out a solution through an internal agreement with Muzorewa, Sithole, and Chief Jeremiah Chirau. If that did not work, he might try a reversal of alliances or a deal, bringing Nkomo in to legitimize it. He seriously pursued this track at various times, with various people helping him—sometimes the British, the Nigerians, businessmen, and others. He went to Lusaka twice, the second time to try to work out a deal with Nkomo. I think that track meant an agreement without an election, simply a deal which would end the war, and ending the war became gradually synonymous with NIBMAR.

The Anglo-American Initiatives

From 1977 to 1979 the United States and the United Kingdom carried out a series of initiatives. It was these mediators, not the parties, who were constantly looking under the rocks, trying to find a solution, and suggesting alternative routes. It was in their very clear interest to find a solution to end a war which was damaging not only because people were losing their lives, but also because both U.S. and British interests in Africa were suffering damage. The British Labour government had negotiated seriously and in good faith. It had to continue negotiations, and they had to be negotiations of such seriousness that they were accepted. And to be acceptable negotiations had to be carried out by high-level government officials.

There was an overlap between the Kissinger period and the period I am talking about. There was no clear end of one and beginning of the other.

In February or March 1977 the British Foreign Secretary Anthony Crosland died and David Owen came in. He met with President Jimmy Carter and Secretary of State Cyrus R. Vance in Washington, and they decided to make a new attempt, the Geneva Convention having failed. Owen's proposal was for a new conference, at which the United States would be a party. For us mediators there were two ways of proceeding: shuttle diplomacy or a conference. As soon as one way failed, we immediately switched to the other. The President and Vance agreed to this proposal, and Owen himself made a trip through Southern Africa to get the reaction of the front-line states. He came back with optimistic reports; however, to some of us it did not appear that a conference would result in anything positive. Vance passed these views on to Owen and the idea was dropped.

Then, as I have said, we decided to get involved in shuttle diplomacy. The Anglo-American Consultative Group was formed, and, starting off in June 1977, we visited all the parties with a large British delegation of lawyers and specialists trying to write a constitution. We went around once, wrote something down, went around again to see if what we had written made sense, and found that we could engage the Rhodesians in a discussion of the constitution. (By Rhodesians, I mean Ian Smith and his all white Executive Council.) We discussed the provisions of a possible constitution for eight or nine hours in excruciating detail. But we could not engage the black Africans on this subject at all. Their basic interest was not in the constitution. One admitted quite candidly to me that they cared nothing about a constitution, "When we get into power, we'll do it the way we want to." Their concern was the shape of the transition period. It took us two years to learn the lesson from that, although it should have been clear at the outset. The lesson was that it was not a zero sum game. Smith could be satisfied with a constitution which provided the protection and assurances the whites needed, and the Africans could be brought in by a transition period which assured them of a free and fair election. Until British Foreign Secretary Lord Peter Carrington came along, this non-zero sum game was not fully understood.

Carter's Concession

In August 1977 Tanzanian President Nyerere held conversations with President Carter in Washington. During a discussion, Nyerere, who was a very persuasive gentleman, convinced the President that if he would just agree to base the independence army on the liberation forces that would be all that was necessary for the front-line states to call a meeting in which they could support a solution to the conflict. Carter accepted the idea.

In my own view, that was one of the crucial moments of the whole period. In contrast to Nyerere, the Patriotic Front understood that the Rhodesian Army was absolutely necessary and was the prize which both sides were fighting for. They wanted to inherit it, not disband it.

The British were taken aback by the accord. Nevertheless on September 1, 1977, in a memorable meeting in Salisbury, the Anglo-American proposal was presented. The proposal received a lukewarm acceptance, and when the Rhodesians found that the independence army would be based on the liberation forces, they were stunned.

Both sides, however, agreed to accept the proposal as a basis for negotiation during the course of the next month, but Smith's announced intention to seek an internal settlement threw cold water on the negotiations. To reassure the white Rhodesians that military order would be maintained during the transition period, Field Marshall Lord Carver, the senior British military official, was sent to Africa. He decided to get off the airplane in full military uniform to reassure the white Rhodesians of the authority of the military, but they chose to interpret it in a negative light. I believe, however, that the Rhodesian Front had no intention of accepting Carver's reassurances, and they blamed their rejection on the fact that he got off the airplane in full military uniform.

All-Parties Conference Attempt

Carver's visit to Southern Africa was unsuccessful. In Dar Es Salaam he met with the liberation forces, and again, because we were not doing well on shuttle diplomacy, he proposed an all-party conference. Nkomo and Mugabe agreed if Smith and his black African colleagues in the internal settlement would come, but they decided they would not come—the constant pattern.

In February 1978 the U.S. Representative to the United Nations Andrew Young and Owen met in Malta with the Patriotic Front and a large delegation. The Mozambicans said the Patriotic Front must be visible during the transition period and the idea of power sharing during the transition period was brought in. Owen accepted this principle immediately and we spent the next year trying to figure out how an unworkable idea could be worked out.

In late 1977, Smith had negotiated an agreement with some African politicians whereby they accepted a constitution which gave them the prime ministership and a black parliamentary majority but retained white control over the major elements of the civil, police, judicial, and military administration. On March 3, 1978, this "internal settlement" was announced. Ten days later, the United States and Great Britain announced publicly that they would seek an all-parties conference. We met in Dar Es Salaam and Salisbury with both Vance and Owen to urge both sides to come together in an all-parties conference.

In the meantime, however, Smith refused and sought some kind of an understanding with ZAPU's Nkomo, and in August he flew to Lusaka and met secretly with Nkomo. When news of the meeting got out, the U.S.-British efforts to convene a conference were blown up.

In part to reestablish its credibility ZAPU shot down a Rhodesian commercial airliner with a ground-to-air missile and the passengers were all killed. It was clear that the mediation effort was losing momentum.

In late 1978, the British sent out Cledwyn Hughes to find out whether an all-party conference was possible. Hughes, chairman of the Labour Party members of Parliament, went as the personal representative of Prime Minister Callaghan. He concluded in January 1979 that there would be no positive issue from an all-party conference. In Rhodesia the internal settlement elections were held—they had been postponed twice—and Muzorewa was elected overwhelmingly with 64 percent of the population participating. In May, the Conservative Party came to power in Great Britain.

The Ripening Process

Why did Hughes conclude in January 1979 that an all-parties conference would get nowhere and in July, six months later, was it possible to organize a successful all-parties conference? What happened between those two times?

First of all, the parties changed: the Labour Party was defeated and the Conservative Party came to power. That meant that the negotiators changed, and therefore they were able to change their positions on certain contentious points. One was the blocking mechanism. The whites needed a blocking mechanism to be able to sell a settlement, and therefore that was put back in. The other was basing the army on the liberation forces. That was non-negotiable as far as the whites were concerned. It was dropped. The Patriotic Front's idea that elections were not necessary was dropped.

Second, sanctions played an enormously important role, not because of their economic impact, but because they provided an international forum in which the debate could be carried on. Over and over again, they were brought up at the United Nations. In the United States the most dramatic moment in the whole effort was in June of 1979 when the House Foreign Affairs Committee turned down 11 to 0 the Senate's proposal to lift sanctions. Without that the negotiations probably would not have succeeded. At that point, Margaret Thatcher was just coming into office. Had the United States lifted sanctions, she probably would not have been able to take the position she took later in Lusaka.

Finally, all along it was important to keep the negotiations going. A clear failure of negotiations would have immediately led to the lifting of sanctions and would have made the military track the principal track.

Keeping negotiations going also permitted the political forces to maintain momentum and visibility. Without negotiations, Nkomo and Mugabe would have been eclipsed within a short period by their military forces. The fact that they could constantly play on a world stage and hold out the possibliity of a solution, kept them on top.

4. THE LANCASTER HOUSE NEGOTIATIONS

(Jeffrey Davidow)

In the spring of 1979 there were two major developments. The first was the election that brought Bishop Abel Muzorewa to the Prime Ministership of Rhodesia-Zimbabwe on his own accord after having served in that capacity for a year under the internal settlement. That was in late April. In May, the British election brought the government of Margaret Thatcher to power. The Conservative Party manifesto platform for that election was quite clear. It said that if the elections that were going to take place in Rhodesia were seen to be free and fair, then the Conservative Party would have no other alternative than to recognize the government, grant Rhodesia legality, and lift sanctions. In fact a delegation headed by Lord Boyd was sent

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to observe those elections. Boyd came back and reported that the elections were free and fair, ignoring the multiple failures of the internal settlement constitution. Therefore, when Thatcher took office, the natural thing for her to have done would have been to lift sanctions and recognize the Muzorewa regime. She did not do what everyone expected.

The Education of Margaret Thatcher

There are several reasons for her shift in policy. First, there is a natural rounding off of sharp edges when any politician, especially one in opposition, becomes the leader of his or her country. Second, Thatcher realized that Britain would have no supporters if it granted Rhodesia legality. There would be the predictable outrage from the Third World, and both the U.S. Congress and the Carter Administration had sent strong messages saying that they would not follow British policy. Third, the August 1979 Commonwealth Conference in Lusaka was coming up in just a few months. The Queen would attend; there could not possibly be a worse place in the whole world than Lusaka to have a Commonwealth Conference if Thatcher went ahead and recognized Rhodesia. Fourth, British Foreign Office professionals, including Carrington himself, who had a great deal more in common with the people who worked in the foreign office than he had with Margaret Thatcher, was telling her that recognition of Rhodesia would not stop the war and would not get Rhodesia off Britain's back. This process was referred to by foreign office professionals as the education of Maggie Thatcher.

Finally, Thatcher hesitated to go ahead with the Conservative platform because she recognized that the situation on the ground in Rhodesia had changed in a dramatic way: Ian Smith was no longer prime minister. Carrington, to reinforce this view, sent Lord Harlech, former ambassador to the United States, deputy chairman of the Pearce Commission, to Africa to consult with African leaders. His report to Thatcher, carefully crafted by the Foreign Office to support its position, said the following things: First, there was universal opposition to the Muzorewa government among African leaders. Second, there was a new political configuration in Rhodesia—Smith was indeed out. Third, if the most pernicious elementsof the internal settlement constitution were eliminated and if a way could be found for the Patriotic Front to come into the government, Africa would be satisfied. Fourth, Africa was crying out for Britain to assume its manly imperial role and get the job done. This last point appealed very much to Thatcher's concept of what Britain could be, what it once was, and what the Labour Party had done to it. There was a harkening back to the time of Queen Victoria. By early August, Prime Minister Thatcher was ready to move. She had come to lead the Queen to Lusaka. There was a snag on the first day of the Lusaka Conference. Nigeria, which had been largely left out of the loop on Rhodesia, managed to nationalize BP, British Petroleum, as the conference began. Carrington was irate because he thought that that move would make Thatcher back away from the delicate position that he had placed her in.

The Lusaka Conference

At Lusaka, it quickly became apparent that a small group was willing to negotiate seriously on Rhodesia. It included Carrington, Thatcher, Commonwealth Secretary-General Shridath Ramphal of Guyana, and representatives of Zambia, Tanzania, Jamaica, Nigeria, and Australia. Malcolm Fraser of Australia played a very important role because, like Thatcher, he was inherently conservative on all issues. He was a man who spoke her language except on the issue of Rhodesia. He was dead set against the internal settlement. The group had several negotiating sessions, and finally, after two or three days, Ramphal produced a nine-point draft proposal. It was presented as a Commonwealth draft, although it is clear that he and the British concocted it.

The four most important of the nine points were as follows. First, the Commonwealth asserted that it was the constitutional responsibility of Great Britain to grant legal independence to Rhodesia on the basis of majority rule. Second, there was a need for a democratic constitution with appropriate safeguards for minority rights. Third, there should be free and fair elections to choose a new government that would rule on the basis of this constitution, and those elections should be held under British authority and with Commonwealth observers. Finally it called for a constitutional conference. Within a week of the Lusaka Conference's close, Foreign Secretary Carrington invited the leaders of the Patriotic Front and Bishop Muzorewa to such a conference at Lancaster House in London. After some quibbling all of the parties accepted.

The Setting

On September 10, 1979, the three delegations assembled in the ornate halls of Lancaster House. The setting for the conference was important in itself. Lancaster House had been the scene of previous decolonizing constitution-writing conferences. By selecting Lancaster House and by designating Lord Carrington himself to chair the conference, the British conveyed the impression that this was the last conference on Rhodesia that was going to be held. Come hell or high water, this was it. (It was quite different from the Geneva Conference of 1976 to which the British Labour Party had sent only their U.N. ambassador as chairman.)

If a vote had been taken, the vote would have been about 100 to 1 on the chances of those delegations reaching a comprehensive agreement. Nonetheless, three-and-a-third months later on December 21, Nkomo, Mugabe, Muzorewa, and Carrington signed the Lancaster House settlement.

Reasons for Success

The objective circumstances surrounding the conflict had changed markedly in the years preceding 1979, making a settlement more possible. In addition, superb British diplomacy and tactics took advantage of these new circumstances and cleverly manipulated the other two delegations to come to an agreement that neither believed possible nor even desirable at the outset.

Changed Circumstances

The situation in 1979 differed from what existed in 1976 at the time of the Geneva Conference. First, Lancaster House was different precisely because there had been three years of negotiation between 1976 and 1979. The idea that there would be a political settlement had become more firmly entrenched. A lot of underbrush had been cleared away in those three years.

Second, there was a military stalemate in 1979 that did not exist in 1976. In 1979, there was a "hurting stalemate"—to use William Zartman's term—whereas in 1976 the Rhodesian white-led military was very confident of a quick military victory. The Patriotic Front forces were much fresher as well. By 1979 the Rhodesian military knew it was stretched too thin; it still believed it could win but felt that it would take much much longer. The Patriotic Front forces also realized that a quick victory was impossible.

A third change was Rhodesia's economic squeeze, brought about by heavy defense spending, the effects of sanctions, and white emigration. The country was in a perilous economic state.

Fourth, and this is most important, the front-line states and South Africa were more anxious than ever to get a settlement. The economies of Zambia and Mozambique were in shambles. Their countries were battlegrounds. South Africa saw Rhodesia as a financial drain and was worried about regional stability and possible Soviet and Cuban involvement. It saw an opportunity with a conservative, less preternaturally anti-South African British government.

Finally, both the Zimbabwean delegations—Muzorewa on one side and the Patriotic Front on the other, while they disagreed on almost everything else, shared the firm belief that in a fair election each would emerge victorious over the other. Muzorewa believed he would beat the Patriotic Front. He had just won an election very decisively. A million Africans had voted—65 percent of them for him. Likewise the Patriotic Front believed that in a fair election it would beat Muzorewa. Since 1976, it had expanded its areas of combat and area of minimal civil administration inside Rhodesia itself. It felt secure that it had the faith and confidence of the majority of the population.

Situational Advantages

The success of British diplomacy stemmed from two broad areas of superiority—manipulation of situational advantages inherent in the conference and tactical sophistication.

The British delegation was united. It was led by Lord Carrington, who spoke with Thatcher every day. She supported him fully. He had a superb, very well schooled, small staff of Foreign Office professionals working with him. They were a united, dedicated, organized team.

In contrast, Muzorewa's delegation was divided between whites and blacks. Smith attended the conference, leading the white side. Other blacks, who were Muzorewa's political opponents, were also on the delegation. They had very little administrative back-up and what little there was was provided by white officials. The Patriotic Front really never existed as an organization apart from occasional attempts at negotiation. In fact, there had been a 20-year history of tension and hostility between Nkomo and Mugabe. The British were able to play upon these divisions very effectively.

The British had another advantage in that they had very clear goals. For them this issue was not some minor piece of a larger international chess game, of an East-West struggle, for instance. The British had one goal: That was to get a settlement and get Rhodesia off its back. There may have been subsidiary goals, but they were clearly subsidiary.

The British had been at the game of diplomacy for a long time, much longer than anybody else in the room. They were expert negotiators. Carrington had won his diplomatic spurs in the early 1970s, when he was minister of defense, by negotiating with Dom Mintoff, prime minister of Malta, on the question of British base rights. Having negotiated with Dom Mintoff, Carrington was afraid of no one.

It is undeniable that Carrington was a symbol. What he represented, quite apart from his personal skills, appealed to the various Rhodesian delegations. In this new imperial British government, Carrington appealed to Rhodesian whites, many of whom had gone to Rhodesia after World War II and felt that Britain had been taken over by Socialists, Communists and other misfits. Here was Carrington who was clearly none of those.

For Zimbabwean Africans, there was something comforting in the no-nonsense, school-masterish, almost district commissioner approach of Carrington that really set much better than the suspect friendship based on shared socialist ideals that one got from people like David Owen and Ivor Richard. The Rhodesians, white and black, knew where power lay in Britain. It lay with people like Lord Carrington, and they were pleased to be dealing with him.

The London setting was an advantage. Carrington had the back-up of the Office of Foreign and Commonwealth Affairs and intelligence-gathering sources. He had access to the press, which the British used very effectively. All of this helped the British.

Another major factor was that all sides believed that Britain, under Margaret Thatcher, supported Muzorewa. Foreign policy experts have always assumed that a mediator had to be impartial to be effective. In point of fact, a mediator who is perceived as biased can have a great advantage. Rather than hindering a negotiation, it can help.

The perceived favored party, in this case Muzorewa's party, is willing to do more for its buddy, the mediator. The so-called favored party assumes that the mediator will eventually work in its behalf. The party perceived as disfavored is willing to do more because it assumes that it can rely upon the mediator to wrest concessions from the favored party.

In the final analysis, Bishop Muzorewa made the biggest concession at Lancaster House. He had power—limited to be sure—but power just the same. He was sitting in the prime minister's office. The hardest thing the British had to do at Lancaster House was to convince Muzorewa to give up his power, which he had to do as soon as the British took over in the transitional period. If the British had not been perceived as somewhat favoring him, Muzorewa would probably not have signed the agreement.

Effective Tactics

The overarching British tactic at Lancaster House was to keep both Zimbabwean delegations involved. With the Patriotic Front, the principal British tool was the threat of what the British called the "second-class" solution, that is, a deal between themselves and Muzorewa, or some variation of that. The British quite openly said to Mugabe and Nkomo, "If you don't agree, we're going ahead with the settlement anyway."

Roger Fisher and William Ury in their book *Getting to Yes* created a little acronym that is helpful in understanding the second-class solution: BATNA, the best alternative to a negotiated agreement.* Negotiators can derive strength by letting their opponents know that they can walk away from the negotiation, that they have an alternative to an agreement. This is precisely what the British did. They waved the BATNA of the second-class solution continually.

For Bishop Muzorewa, it was not threats; it was promises. With promises the British kept the hook in Muzorewa, forcing him step by step to an agreement that he never thought would come about. He thought that Mugabe and Nkomo would walk out of the conference in London and the British would make an agreement with him. But instead they stayed and finally came to an agreement step by step. By that time Muzorewa was too involved to pull out.

It is doubtful that the British promised Muzorewa anything concrete. But they did continually tell his delegation, "Don't worry. You're doing the right thing." And they encouraged Muzorewa to believe he would win in a free and fair election.

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* New York: Penguin Books, 1983.

Another tactic that the British used was to insist on their own centrality in the conference. It was a British-run conference to which the others had been extended invitations. Carrington chaired the conference. The British set the agenda. They decided what would be discussed and what would not be discussed. In fact, some of the issues that had caused the foundering of previous negotiating efforts were never discussed at Lancaster House. The shape of the post-independence army, for example, was not discussed. The new government of Zimbabwe could worry about that. Power sharing during the transition, an issue that had occupied Stephen Low and John Graham for a year-and-a-half, was not discussed either.

Carrington himself was quite firmly in charge. There was no way around him. The other delegation leaders at no time ever met with Prime Minister Thatcher, who, in fact, made it quite clear that Carrington was the only spokesman for the British government. There were attempts to divide the Conservative Party, for a strong element in the party favored Muzorewa. But these were never successful. Thatcher backed Carrington totally. One would hope that American Presidents would do the same for American diplomats.

It was a British tactic to insist upon a step-by-step approach. The major issues were grouped under three headings, and the rule was established that there be agreement on each group of issues before proceeding to the next. What developed was three one-act plays in which first the constitution was discussed, then the nature of the transitional arrangements, and finally the most difficult one, the cease-fire. The last was a life-and-death issue: what to do with 60,000 armed men. The British insisted that they would not move from constitution to transition or from transition to cease-fire without agreement. That is, the transition could not even be discussed until all parties agreed on the constitution, and so forth. This meant that the longer the parties stayed in the conference, the more they agreed upon, and the more difficult it was for them to walk out.

These three one-act plays, each one of which lasted about six weeks, by the end took on an air of predictability. First, the British would lay on the table a short declaration of principle, often just two or three pages. The two other parties would prepare counter-drafts. There would be some discussion; and then the British would say, "These two drafts are mutually unacceptable. Let's work from our draft."

After a few days of discussion the British would put an end to it and present expanded proposals. There would be further negotiation and then fairly rapid acceptance by Muzorewa. "You're doing the right thing, Bishop. Trust us." The Patriotic Front would object. There would be press conferences; there would be walk-outs; there would be all manner of ugliness. That is when the British would start threatening the second-class solution. They did this through leaks to the press and through public statements in Parliament. Carrington would say, "We would like a comprehensive solution, but if the Patriotic Front wants to walk out, the Bishop has already agreed to the constitution. The Bishop has already agreed to the transition provisions. Let's go ahead." This threat conveyed a very hard line; however, the British behind-doors negotiating effort was never quite so harsh. In those behind-doors negotiations, the Patriotic Front's many objections to the elements of the British draft would be whittled down. Eventually they would sign up to the whole nine yards and move on. The constitutional debate, six weeks of negotiations, came down to the question of land. On the transition issue, the last salient point was the question of the authority that the governor would exercise over the Patriotic Front troops. It was clear that he would exercise authority over the Rhodesian government troops, but the Patriotic Front insisted that the transitional proposals stipulate that their troops were also responsible to the government. They wanted it made clear that in case there was trouble, the governor had the legal authority to call upon Patriotic Front troops to keep order—not just the Rhodesian troops, which they feared. On the cease fire, the last hectic days of the conference came down to a question of whether there would be 16 assembly points for the assembled guerrilla forces or 20 or 21. Finally the British said, "Ok, you can have 17 if you need them." Mugabe and Nkomo said, "Success," and on December 21 they signed the agreement.

One of the other very important elements in the conference was the manipulation of the roles that the British got other states and actors to play. The Commonwealth was very important in facilitating communication. The British managed to keep South Africa happy largely with the same line that they were giving Muzorewa.

The United States was often seen as intrusive by the British, as paying too much attention to the front-line states, which in turn were listening to every complaint that was emanating from the Patriotic Front. The information and advice that the United States gave to Carrington was not always appreciated.

The British accepted this advice, considered it, sometimes used it, but were able to turn American interest to their own advantage on several occasions during the conference. For example, during the big battle about the land issue at the end of the constitutional act, at the request of Carrington, the U.S. ambassador in London, after checking with Washington, made a commitment to Mugabe and Nkomo that the United States would help in development after independence. The actual wording of that commitment is a masterpiece of bureaucratic obfuscation, but it came at the right time. Mugabe and Nkomo had painted themselves into a corner on the land issue. But after the meeting with the American ambassador, they told the press that they now had the billions that Kissinger had promised them.

There are other tactics that worked very well for Carrington. He had a wonderful ability to issue ultimatums and then ignore them. Normally when a person does not carry through with an ultimatum, people sense his weakness. That never happened with Carrington. Time and time again he said to the Patriotic Front, "I must have your answer by Thursday." Thursday would come around and Carrington would say, "You can have a couple of more days." It was never seen as a defeat for him and it kept forcing the pace of the conference.

The British also engaged in a great deal of tacit bargaining outside the conference in the press and in Parliament. On December 3rd, while the debate was at its hottest point with the Patriotic Front on the cease-fire provision, an Order in Council was passed giving Prime Minister Thatcher the authority to select a governor for Rhodesia. The message was that Britain was going ahead without the Patriotic Front. Eight days later, in one of the most audacious bits of diplomacy, Lord Christopher Soames was dispatched as governor of Rhodesia. He arrived on December 11th before the Patriotic Front had agreed to the final cease-fire proposals. The British were saying, "We are going ahead. This is our second-class solution. The train is leaving the station. You'd better jump on it."

In summary, the objective circumstances made the situation ripe, or at least riper, for a settlement; and this was taken advantage of by Carrington who manipulated the situational advantages inherent in Lancaster House. Most important, British tactics kept the parties involved, one with threats, one with promises, and brought about a settlement which had eluded all parties for 15 years.

5. IMPACT OF THE U.S. CONGRESS AND ADMINISTRATION ON THE NEGOTIATIONS

The U.S. Congress: Complicating the Issue *(Pauline H. Baker)*

Congress does not initiate foreign policy, although some individual members think it should. Congress's real influence comes in checking the executive branch, seeing that American interests are preserved, and using its instruments to say "no." As far as Rhodesia was concerned, Congress complicated the issue. It certainly prolonged the negotiations at times when members of Congress got directly involved and created a surprising level of bitterness on an issue which represented no vital American interest.

When this whole matter was settled, I counted the number of times the Senate floor voted on Rhodesia and was amazed to find that there were more votes on Rhodesia during the two-year period from 1977 to 1979 than on any other foreign policy issue. This was a measure of how contentious an issue Rhodesia had become.

One of the common misperceptions of the time was that the House of Representatives was solidly in favor of the Carter Administration's Rhodesia policy, and the Senate was solidly against it. Actually, both the House and the Senate represented a diversity of views, but the Carter Administration, and before it the Ford Administration, did not appreciate the diversity of views and use them appropriately to gain support for their policies.

Congress got involved in the Rhodesia issue in the early 1970s long before it became a matter for legislative action, because of the direct links that individual members had with the major parties in Africa. Some had access to and were in sympathy with the Patriotic Front. Others were linked personally or through links with South Africa to the Smith regime. When the issue came before the Congress, a good many members already had personal feelings about or vested interests in Rhodesia.

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Congressional involvement in this issue made it unclear from time to time what the U.S. position was. That is to say, everyone knew what the official position was supposed to be, but there were serious doubts as to whether the Carter policy could be sustained. The challenge came from the Hill, and the instrument was the threat of lifting sanctions. Sanctions were reimposed with the lifting of the Byrd Amendment in 1977 as soon as the Carter Administration came to office. (From 1971 to 1977 this amendment, named after its sponsor Senator Harry Byrd of Virginia, enabled the United States to import chrome and other minerals from Rhodesia, as an exception to the sanctions.) However, there were several subsequent attempts to lift sanctions either in whole or in part as a symbolic act of supporting Smith's or Muzorewa's regime.

In addition, Congress was skeptical of the whole U.S. mediation effort. For example, when Kissinger came to the Hill with his so-called buy-out plan, which he then called the Zimbabwe Development Fund, and described it as a black development plan, the Senate Foreign Relations Committee turned it down. The committee decided that he was asking for a rather sizable blank check to spend in a war-torn and disputed country in which negotiations were not concluded. By the same token, during the 1977 to 1979 period, Congress put forth many resolutions, amendments, and so forth to divert the Anglo-American initiatives.

The Issues

Throughout the debate a number of issues were raised. The most important of these, the issue of Congressional prerogatives in foreign policy, had nothing to do with Rhodesia. The key instrument in the 1977-1979 period was the so-called Case-Javits Amendment which required the President to determine whether or not the government of Rhodesia was making a good faith effort to negotiate at an all-party conference and to conduct a free election. If the Rhodesian government jumped through these hoops, Congress could lift sanctions.

This amendment typified Congress's feeling that the Executive Branch did not consult it very much. The principal authors of the amendment, Senators Clifford P. Case (R.-N.J.) and Jacob Javitz (R.-N.Y.) were principal authors of the War Powers Act, a benchmark piece of legislation to assert Congressional prerogatives in foreign policy. Supporters of the amendment, who in no way could be classified as part of the right wing or the strong conservative faction that was represented by Republican Senator Jesse Helms from North Carolina, felt that there was a larger issue at stake, not just Rhodesia. This feeling was entirely overlooked by the administration. Over the course of this two-year period the executive branch had written off the Senate as essentially sympathetic to the Smith-Muzorewa government and not in favor of the negotiating process. Thus, Senators Javits and Case were cast by the administration as part of the "opposition," a perception that put them into the same camp as Senators Helms and S.I. Hayakawa (R.-Calif.) with regard to the question of Congressional authority. Therefore the administration strengthened political opposition to the whole negotiating process and raised a foreign policy issue to the level of a constitutional test of wills.

The position was worsened by very grave distrust of the administration during this time on the part of the Hill, and unfortunately that distrust pervaded all shades of political opinion, liberal and conservative.

Two things only brought liberal, moderate, and conservative members of Congress together on this issue. One was a deference to the British. Everybody agreed that Rhodesia was primarily a British responsibility.

The other was that as long as negotiations were in progress Congress had a responsibility not to torpedo them by lifting sanctions. That argument carried a lot of weight for independents and moderates, so it was very important for Congress to see concrete progress, not just endless negotiations.

Members of Congress feared a bloodbath. Again and again, the question was asked, "How can we, the United States and Britain together, do something to avoid a bloodbath either during the transition period or even after independence?" Some factions sought assurance that white interests and white rights be preserved not only for the sake of justice but also because it was felt that their skills would be needed in a post-independence Zimbabwe. Others were very concerned about the possibility of a race war, not just in Rhodesia, but in the whole region, with South Africa possibly getting involved.

Of course many Congressmen worried about the Soviet and Cuban role. The Rhodesian issue came on the heels of the Angola crisis and the passage of the controversial Clark Amendment, which restricted the administration's foreign policy-making powers. People on both sides of the issue feared what happened in Angola could reoccur in Rhodesia.

Finally, some people were interested in the Rhodesia issue because it was a stage upon which they could play to advance their own political careers.

British Fears

The role of Congress made the British very uneasy because they felt this was a domestic matter in which the U.S. Congress should not intervene. Also, many of the British diplomats I spoke to were clearly not confident that the executive branch could tame the Hill. They knew that Congress definitely had the power to torpedo the entire negotiating process through the lifting of sanctions.

Senator Helms made a concerted effort to derail the negotiating process. He sent two of his staff members to the Lancaster House meetings to tell Ian Smith to hold out. With time, they told Smith, Helms could muster the votes to lift sanctions; in fact, if the negotiating process appeared to be withering, the House could not withstand the pressure to lift sanctions.

An alert State Department official who was in London at the time found out what was going on. The British government complained privately to Secretary of State Vance who, acting discretely, contacted the chairman of the Senate Foreign Relations Committee, then Senator Frank Church (D.-Idaho). Church in turn quietly contacted Senator Helms and told him that the administration did not feel that this was a constructive way to deal with the issue.

Within 24 hours Helms went to the floor of the Senate and revealed the whole thing and stated that the British had never protested formally. That was true enough; they did not protest formally because they did not want to cause an embarrassment. In the end the whole affair came out in Senator Helms's favor, because he portrayed himself as an underdog who was being victimized by an administration which was already distrusted on the Hill.

Congressional Reaction to the Settlement

I was an observer at the elections which brought the present government into power. I found the elections to be extremely well organized, even though many things could have gone wrong.

Irrefutably the British conducted it in a manner that could not have been criticized despite some minor glitches. From the Hill's perspective, it was quite a spectacle to see a conservative

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government in Britain legitimizing the advent of a Marxist government in a key southern African country. Liberal Congressmen gained a new respect for British conservatives. For their part, American conservatives felt downright betrayed but did not know what to do about it. They certainly could not attack the British for not conducting a free and fair election. Some tried to say that there was an atmosphere of intimidation in Rhodesia, but that simply was not so. I found, to the contrary, an atmosphere of camaraderie and friendliness as I went around to the voting booths.

The Moral of the Story

With more forthright and regular consultations, the Executive Branch might have reduced the extent to which Congress was a complicating factor in the Rhodesia issue. Periodic, high level consultations in which the Congress is kept fully informed as to what is going on will blunt the edges even of diehard opponents of the policies because they will feel they have a voice. Some people call it stroking; other people call it consultation.

In the case of Rhodesia, there were good intentions at the beginning, but no consistency. Eventually the administration simply did not want to deal with Congress on this issue and hoped it could rest on its laurels and count on the House to block any sanction-lifting effort.

Changing U.S. Administrations *(Michael W. Clough)*

Throughout the Rhodesian conflict, the most important factor affecting the prospects of a settlement was the situational context, that is, the circumstances that determined the various parties' calculations of the relative costs of continued conflict and sincere negotiations. A settlement was finally reached only after the Rhodesian government and all of the various nationalist movements came to believe that the costs of continuing to hold out and not to accept a comprehensive settlement were greater than the costs of accepting a settlement.

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What factors did they base that judgement on? First was their perception of whether or not they could win the war. If they could win the war, obviously they would have no incentive to negotiate; or if they believed that by holding out over time their ability to win the war would increase, they would have no reason to negotiate.

Second, and absolutely critical in this particular case, was whether or not they would get additional outside help if they held out long enough. In Smith's case, this factor, more than the others, influenced his judgement about whether or not to make concessions.

Kissinger's Strategy

The fundamental problem with Kissinger's strategy was that it was designed to get Smith to agree to majority rule. However, by the fall of 1976 the situation had evolved to a point where that was no longer the key issue. The key issue had become the shape of the government that would succeed Smith. Because Kissinger had focused almost solely on the question of getting majority rule, he was not able to deal with a number of problems such as the splits within the nationalist movement which blocked agreement on an independence plan. The unwillingness of the British to reassume control over Rhodesia during a transitional phase was another such problem.

Smith went to the Geneva conference expecting it to fail. His real reason for attending was to lay the groundwork for an internal settlement. If he were able to bring about an internal settlement, the concessions he would have had to make would have been more limited than the concessions he would have had to make for the conference to produce a comprehensive settlement. He believed that an internal settlement would make it easier for him to win the war. Most important, however, Smith believed that an internal settlement eventually would force changes in British and American policy which would lead to the lifting of sanctions and support of some sort of internal government.

Kissinger was inclined to accept some variant of an internal settlement. We in fact have Kissinger's own word on this in what was probably one of the most ill-timed interviews ever recorded. On July 3, 1979, less than a month before the Lancaster House talks got under way, Kissinger argued publicly in favor of recognizing the internal settlement and implied that the internal settlement was totally consistent with his objective, i.e., to exclude the "radical" black nationalists from the process and coopt the "moderates."

Carter's Policy

There was a basic shift in policy from Kissinger to Carter. From the start, the Carter Administration rejected the idea of an internal settlement. Its eventual fallback position might have been an internal settlement, but those responsible for formulating Rhodesian policy in early 1977 firmly believed that a comprehensive settlement was essential. This conviction was based in part on a concern for human rights, but more fundamentally it was based on the belief that only a comprehensive settlement would allow for a stable transition after independence. Kissinger, on the other hand, believed that an internal settlement could force all of the parties to come into the agreement.

To implement his Rhodesian policy effectively, Carter first had to legitimize it domestically. Smith's internal settlement was able to erode the normative legitimacy of the Carter Administration's policy because Smith's supporters on the Hill could stand up and say, "Here's the situation. The Carter Administration is giving a veto to terrorists while we are now supporting Bishop Muzorewa, the man of peace who is willing to negotiate." It became very difficult to argue with that logic. Ian Smith was certainly aware of developments in the U.S. Congress. By mid-1978 Senator Jesse Helms and others were telling him that if he held out long enough, they would be able to force the administration to reverse its policy.

The internal settlement, because it gave the impression that comprehensive negotiations were not going to work, lengthened the process of reaching a settlement. It eroded the perception in Congress that the Carter Administration policy was going to succeed. Congressmen are inherently cautious. They will seldom attack a policy that looks like it may succeed. Creating the image that a policy cannot succeed has the effect of reducing support for it, which then actually makes it less likely that it will succeed.

Could the Carter Administration have done something differently? I think they did make several mistakes. The first was that, like Kissinger, they failed to understand quickly enough that the issue was no longer getting Smith to accept majority rule. Congress voted overwhelmingly in March-April of 1977 to restore sanctions because it wanted to support majority rule in Zimbabwe. Carter Administration officials took that vote as a signal that their policy towards Rhodesia, or Southern Africa more generally, would have Congressional support. Henceforth not enough attention was given to maintaining contacts with Congress, and so in June 1978 the administration was taken almost totally by surprise when Helms failed by only four votes to get the Senate to lift sanctions. Even Helms's own people did not think at the time that they had a chance of getting sanctions lifted. By not paying enough attention earlier, the administration had to play catch up.

The second mistake was that the conditions in Case-Javits, although in principle important, did not address the fundamental goal of U.S. policy toward Rhodesia. That goal was to end the conflict. Comprehensive negotiations and free and fair elections in an all-parties conference were important only if they ended the conflict. Acceptance of these two conditions almost proved counterproductive. Both could be interpreted many different ways. In Congress, debate began to focus almost entirely on whether or not the internal settlement satisfied the Case-Javits conditions, rather than whether the internal settlement could end or even limit the conflict. Had it not been for the change in British policy brought about by Margaret Thatcher's election, the Carter Administration would have lost the debate.

There is no question that the change of governments in Britain changed the situation facing the Rhodesian protagonists. What was most important in the change from the Labour government to the Thatcher government was that when Thatcher (who Smith had thought would recognize the internal settlement) was convinced by Carrington to support comprehensive negotiations, the circle was closed on the internal parties. When the prime minister said that all parties had to sit down and talk if they were going to get sanctions lifted, it meant that Smith and Muzorewa no longer had any hope of getting outside economic or military help.

The constant in all of this was the Patriotic Front's essential lack of options. Once Smith agreed to sit down and talk seriously, the Patriotic Front had very few options, because the front-line states had always maintained that if Smith agreed to talk they would deliver the Patriotic Front. That left as the only potential option to call in Cuban and Soviet support. Everybody recognized that was a very dangerous option.

6. INFORMAL CONTRIBUTIONS TOWARD SETTLEMENT

(Hugh P. Elliott)

In 1975 I was invited to Rhodesia to an international conference called by Moral Re-Armament. I had visited the country in the 1950s and had followed events there closely. It was obvious that the future of that country was crucial to the future of all Southern Africa. The civil war was getting steadily worse; Ian Smith had said, "Not in a thousand years," and the whites were preparing to fight it out. The priority need was to find ways of changing the attitudes of the white leaders and to build bridges of trust between them and some of the blacks. In this way, Moral Re-Armament hoped to help forward the essential work of the diplomats and politicians whose task was to find a peaceful settlement.

At that conference the foundations were laid for the work that was done over the next years as a background to the important official negotiations. It contributed eventually to the meeting between Robert Mugabe and Ian Smith on the evening before the announcement of Mugabe's victory at the elections.

Remotivating People

This informal work cannot be easily described. I call it remotivating people so that they are ready to pay the price of shedding bitterness or prejudice and to become agents of healing and barrier breaking.

One example of a "remotivated" person is Alec Smith, son of Ian Smith. He had been a rebel, a dropout, and a hippie on drugs, finally convicted of peddling. He found an experience which turned him around and enabled him to speak as a man responsible for the country's past and future. He apologized for his attitude of arrogance and superiority towards the blacks and gave a vision of the new Rhodesia he wanted to see.

Another example is the black nationalist author, Arthur Kanodereka. He had a grizzled beard and an intensely bitter

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face so that when he first entered the conference hall, I thought he would cause an uproar. He was deeply suspicious, and when the son of the man he hated most got up to speak, he thought it was a trap. But Alec's sincerity and vision for his country won him over.

Kanodereka was a Methodist minister but was helping the guerrillas and had been arrested and suffered at the hands of the white-led security forces. His attitudes were revolutionized at that conference. He and Alec became firm friends and started to work together. Eventually they spoke together at public meetings in Rhodesia and even in South Africa.

A third example is Professor Desmond Reader, a white Rhodesian at the University of Salisbury. He had an uneasy feeling as a result of that conference that he owed an apology to one of his black staff members. This man was also secretary-general of the African National Council. He summoned up courage and went to his office and said, "I want to apologize to you for the way I've treated you. I've seriously underestimated you." The man's face lit up. They began to work together. Reader arranged with him a series of lunch or dinner parties to which he invited many of the white leaders, and the other man invited many of the black leaders. So whites and blacks who had never met each other before, but had told dreadful stories about each other, met for the first time and found each other to be human beings.

Making an Impact on Leaders

Remotivation is the first stage in Moral Re-Armament's work. The second stage is meant to have more of a direct impact on the leaders. In 1976, 15 Rhodesians representing different races and political viewpoints decided to spend a weekend together to talk honestly and frankly. Among this group were Sir Cyril Hatty, a former minister of finance in the old days of the federation; and Dr. Elliott Gabellah, at that time a prominent member of the African National Council. We followed no procedures except one. After discussions, we would take time to search in silence for initiatives we could take individually or together that would help bring a solution. The thoughts that came were most interesting. Hatty, for example, decided to write a letter of apology to Herbert Chitepo, then in Zambia organizing a guerrilla war for ZANU. Years earlier Hatty had been a member of the cabinet that had imposed restrictions that had caused Chitepo to leave Rhodesia an embittered man. The response to this apology was quite extraordinarily warm and generous, and they were planning to meet when Chitepo was blown up by a bomb in Lusaka.

The idea of a nucleus of black and white leaders meeting together in this way was expanded over the next two or three years so that at one time they were meeting three or four hours every Saturday morning in Salisbury. The group was nicknamed the Cabinet of Conscience. It included political opposites, some senior supporters of the Rhodesian Front and black nationalists of all parties. Members agreed not to talk politics. The basis of their meeting was a common love of the country and a desire to search for a way to bring an end to the war. As they talked, they got to know each other and each other's human problems. Trust was built. They always ended by listening to the inner voice in quiet, and usually some fresh thought would come. Sometimes it would be simply to do something for a neighbor in trouble or to end a personal row at home, but sometimes it was to seek an interview with a cabinet minister or a ZANU or ZAPU leader.

Meanwhile, Alec Smith decided to invite Kanodereka and his wife to meet his father and mother. His father was much embarrassed by his friendship with a black nationalist, but they agreed. At that time Arthur was the national treasurer of the African National Council. After a talk over tea at the prime minister's residence, which went well, Ian Smith called Alec into his room and said privately, "If there are more black leaders like Arthur Kanodereka, I could hand over tomorrow." Though still stubbornly determined to hold onto power, Ian Smith was at that time moving towards the idea of elections to form the Muzorewa government, and Kanodereka certainly made an impact on him.

When the Muzorewa government was formed, Kanodereka was made chairman of the contact committee with the guerrillas. He risked his life frequently in the bush. Through his work, many hundreds of fighters were induced to come into the no-go areas and stop killing. But he became increasingly dissatisfied with the African National Council government. After the dismissal of Byron Hove, minister of justice, he spoke out and was dismissed from the party, but he continued to work for peace.

In late 1978, he decided to venture on a dangerous peace mission to both sides to promote an all-parties conference. In Lusaka, he met Nkomo and the ZAPU/ZIPRA (Zimbabwe Independent People's Revolutionary Army) leaders, and then went to Mozambique where he met Mugabe's men. He went into the bush with the ZANU/ZANLA (Zimbabwe African National Liberation Army) guerrillas, often talking with them all night. Then he returned home, hoping to spend a quiet Christmas. Tragically, he was assassinated in December of 1978. It was a blow, but it had the effect of deepening the unity and spurring to greater efforts the Cabinet of Conscience and many others, white and black, who had been affected by his life and example.

Making the Work of the Negotiators Easier

The third stage, a magnificent achievement of the diplomats and statesmen on all sides, was the build-up to the Commonwealth Conference at Lusaka, the breakthrough there, and finally Lancaster House. By then there was a widening circle of convinced people who were determined to do all they could to make the work of the official negotiators easier.

Just prior to the Lancaster House Conference, a number of influential Zimbabweans took part in a meeting at the Moral Re-Armament conference center in Caux, Switzerland. Among them were two senior Rhodesian Front ex-cabinet ministers, and Byron Hove, a black nationalist from London, and a member of Bishop Muzorewa's cabinet. There were some heated exchanges at first, but something hard to define happened which enabled them to leave in a united spirit.

Several of these men came on to London to talk to members of the various delegations during the Lancaster House negotiations. For example, Gary Magadziri, the president of the African Farmers' Union, spent much of the night hours seeing the leaders in their hotels. He personally suffered greatly in the war, but he refused to be bitter and became a constructive force. He got to Mugabe one night at about 2 a.m. and told him and his top men in detail of the suffering in the villages which he had seen personally. Mugabe said, "This is not what my lieutenants tell me." It was General Joshiah Tongogara (commander of the ZANLA forces) who urged Mugabe to respect Magadziri's version.

Promoting Reconciliation

After Lancaster House came the critical period of ending the war, getting the guerrillas to come into the assembly points, and finally holding elections that were free and fair. Bombs were going off and there is no doubt there was much intimidation. The question was what would happen if Mugabe won?

During this time, the Cabinet of Conscience continued to meet. One member, a black executive officer in the Ministry of Agriculture named Joram, had the simple thought that Mugabe should meet Ian Smith. It seemed an impossible idea, but he got Alec to raise it with his father, and even when the idea was rejected, Joram persisted. Then on the evening before the announcement of the election results, he got a message from Mugabe's house that he would see Ian Smith. A secret meeting took place which was described as follows by the *New York Times:* "The whites' acceptance of the Mugabe government was far from assured, and a military coup seemed possible. The encounter was improbable. A white leader whose government detained Mugabe and other nationalists for 11 years then fought a war for minority rule that cost at least 25,000 lives, driving across town to a suburban house that Mugabe, as a black, could not have owned under the strict segregation laws enforced by Mr. Smith. The two men knew each other from negotiations in London and elsewhere, but had never shaken hands. The meeting was a success." In fact, it was a remarkable success. The two men did shake hands and reached an astonishing degree of understanding.

According to Arnold Smith, the former secretary-general of the Commonwealth, a coup, code-named "Operation Quartz," had already been planned by senior officers of the Rhodesian army but was called off in the final hours just before the news of Mugabe's election victory. It is impossible to know whether or not the Smith-Mugabe meeting was responsible. What is certain is that the next evening on television Mugabe called for reconciliation, invited the whites to stay, and used phrases like, "Let us beat our swords into plowshares, forgive others and forget, join hands in a new amity together." Then Ian Smith, to the surprise of the world, called on the whites, many of whom had packed their bags and were heading out, not to leave, but to stay.

At the independence celebrations the following April, Lord Carrington described the atmosphere of reconciliation and good will as something of a miracle. Unfortunately this good will has not been maintained. There are many dangerous and disturbing signs, but there are also grounds for hope. In the four and a half years years since independence, our work has continued and been extended. After the terrible years of war, new motivations are needed to build a new nation and the objectives now are first to work for reconciliation and healing between Shona and Matabele and a new understanding by the government in Harare of how the minority tribe feels. The second objective is to develop a corps of dedicated whites who will stay and serve, even if the going is rough. The third is to reach Mugabe, if possible, and some of his cabinet members and help them, if ways can be found, to move towards conflict resolution rather than clobbering all opposition.

This behind the scenes, unofficial work has taught me many things. One, the creation of the right atmosphere in the build-up to an official conference and in the background to it can be as important as the negotiating points on the table. Two, the informal work behind the scenes to build trust and friendship is possible for anyone prepared to attempt it, including those involved in the diplomatic processes. Three, motivation is important, even more than technique. I call it pure friendship for its own sake with the vision and aim of what the other person could do for his country. This is what made possible what Lord Soames described as a subtle healing art. Four, most often it is the local people who solve their own problems, not outsiders. The art consists of bringing the right people together, encouraging them, but staying in the background.

In my own experience I have become conscious of what, as a man of faith, I call God at work. Call it God, call it the X-factor. Whatever it is, it is beyond human skill, but anyone can put himself or herself at the disposal of this X-factor and follow a trail that leads to surprising results.

7. THE POST-NEGOTIATION PERIOD

(Robert V. Keeley)

As Jeffrey Davidow wrote in his book on the Lancaster House conference, "Perhaps the most remarkable fact about the Lancaster House Conference was that the settlement achieved there actually accomplished what it set out to do, that is, provide for a peaceful transition to majority rule through free and fair elections."*

**A Peace in Southern Africa: The Lancaster House Conference on Rhodesia, 1979* (Boulder, CO: Westview 1984) p. 91.

The three phases of the settlement were implemented in an order the reverse of the sequence in which they were discussed at Lancaster House. The first order of business was a cease fire; then came the transitional period under restored British rule for the organization of and the campaigning for the elections; and then the elections themselves to choose the government that would rule the independent country under the new Lancaster House constitution.

Transition Under the British

The transitional period actually began nine days before the agreement was signed in London on December 12, with the arrival in Salisbury of Lord Christopher Soames to take charge as governor of the colony of Southern Rhodesia. Soames's technically premature arrival was a deliberate tactic designed to increase the pressure on recalcitrant parties at the London conference, in effect telling them that the train was already pulling out of the station. Soames brought with him a staff that was remarkable for the smallness of its size and for the competence and experience of its members, many of whom had been participants at the Lancaster House Conference.

The relatively small British presence, on the civilian side at least, was not solely owing to a desire to save money. Britain was to have enormous responsibilities during the transition, not only for arranging and monitoring the cease fire and preparing for the elections, but also for running the country, since all legislative and executive powers were vested in the new governor. The Zimbabwean-Rhodesian Parliament had dissolved itself and the cabinet had stepped down, but the British decided to keep all the rest of the inherited government in place—the whole civil service, the military, and the police. And these were staffed almost exclusively by whites at the senior and professional levels. One could presume that they were Rhodesian Front loyalists, or at least servants of that regime.

One effect of this, and perhaps the motive for it, was to reassure the Muzorewa side and its white allies and the white community in general that the "right" people would be in charge during the transition and during the elections. It will be remembered that a principal demand of the Patriotic Front side had been that it should be in charge of running the country prior to the elections. Thus, keeping in place the inherited government and all its instrumentalities was no doubt seen correctly on all sides as an anti-Patriotic Front action by the British, who were seen by some as displaying their own bias in favor of Muzorewa.

Lord Soames was perceived as being tougher with ZANU and ZAPU during the transition period than he was with their opponents. The two wings of the Patriotic Front, especially Mugabe's ZANU, were often accused of engaging in intimidation and other irregularities and infringements, and it was ZANU candidates whom Soames threatened to disqualify from running for Parliament. In two cases he actually carried out the threat on the basis of what he termed their inflammatory statements. This apparent bias no doubt annoyed the Patriotic Front, but it also served to keep their opponents on board the settlement.

The Cease Fire

Under pressure from the Patriotic Front delegation at Lancaster House, the British had agreed to increase the size of their military monitoring force far beyond what had originally been planned so that the Commonwealth force reached about 1,200, some 900 of them British. This was expensive, but it was a wise move, as it reassured the Patriotic Front fighters and encouraged them to regroup into the 16 assembly points and helped protect them from attack during the pre-electoral period.

The cease fire was remarkably effective. The period for the in-gathering of the guerrillas had been set at only two weeks. That is not a lot of time considering the distance the message had to travel and the areas it had to reach. The in-gathering got off to a slow start, but eventually some 22,000 guerrillas entered the assembly points—not all of them within the two weeks—under monitoring force control. It has been estimated that about one-third of ZANU's forces within Rhodesia at the time of the signature of the agreement followed orders to bury their weapons and to melt into the population, to be mobilized later on if necessary. This was to protect them from being attacked in the assembly points by the Rhodesian forces—something they greatly feared.

In addition, an untold number of guerrillas stayed outside the country in Zambia and Mozambique, again as insurance against a breakdown in the settlement and a renewal of hostilities.

This fear of attack on the guerrillas was quite genuine. In February 1980, prior to the elections, Jeff Davidow and I met with Mugabe in Salisbury at his temporary residence in Mount Pleasant. In the discussion, Mugabe confidently predicted that ZANU would win an absolute majority. What concerned him and what he kept returning to was the vulnerability of the ZANLA men, his fighters in the assembly points, "sitting ducks" for the Rhodesian forces.

There was an assassination attempt, a close call, against Mugabe, and there were other halts and starts in the reestablishment of peace, but the cease fire must still be termed remarkably effective. At no point during the transition was Soames required to deploy the security forces in a major way to deal with outbreaks of violence. This would not have been his or anyone else's prediction when he first arrived in Salisbury.

A tragedy of the early part of the transition period was the death of General Tongogara, commander of the ZANLA forces, in a road accident in Mozambique. At Lancaster House and elsewhere, Tongogara had been the strongest advocate on the ZANU side of cooperation with ZAPU, and he was, it is generally conceded, the ablest, most talented of the military commanders. He would have been the commander of the Zimbabwean forces after independence. His death has left a gap that no one has filled to date.

A major controversy of the transition period was the presence on Rhodesian soil of South African troops. At Lancaster House, Lord Carrington had promised that these forces would be removed. He was apparently not thinking of the South Africans who were integrated into the Rhodesian forces, but rather of whole units under South African command. These amounted to three companies stationed near Beitbridge, the main rail and road connection between Zimbabwe and South Africa. Their mission was apparently to guard that bridge, which is vital to both countries, and to provide a bridgehead for the entry into Rhodesia of much larger South African forces if the cease fire broke down, hostilities resumed, and the guerrillas began massacring the white population, as many people confidently predicted would happen.

With this potential rescue mission in mind, which the British were ill-equipped and therefore unprepared to undertake themselves, Soames was apparently willing to look the other way. But when it became public knowledge that these forces were there on Rhodesian soil and the Patriotic Front side protested, private talks were undertaken to resolve the issue and eventually Pretoria withdrew them, though I presume they stayed close to the bridge on the South African side in case what they thought might happen did happen.

Governor Soames and his staff expended their greatest efforts not in keeping ZANU and ZAPU in line, but rather in trying to keep General Walls and the Rhodesian military, and the white power structure in general, in support of the settlement. It was on that side that the preponderance of power lay, power to wreck the settlement or to sabotage the outcome if it came out "wrong." There were a lot of people in the country then who had a vested interest in the outcome of the elections, but there were also a great many who did not want the elections at all and preferred a breakdown. Keeping all of these elements from breaking away from the settlement required delicate diplomacy.

One Man-One Vote Elections

The elections themselves went off smoothly, more so than most people would have predicted. They were perhaps the most observed elections in history. There was a Commonwealth observer group, and there were representatives of many other organizations and governments, private individuals, hundreds of journalists, poll watchers from the various parties and, of course, a large number of electoral officials. Given the diversity of this group and the strong emotions which the Rhodesian problem had generated across the ideological spectrum, it is not surprising that there was a lack of unanimity about the freeness and fairness of those elections. The fact is, however, that nearly one million more Africans voted in 1980 than had voted in the internal elections the previous year, which says something about the difference between peacetime and wartime elections. ZANU won 57 of the 80 African seats; Nkomo took 20; and Muzorewa only 3. The other smaller black parties, for example Sithole's ZANU, were wiped out without a seat. In the earlier poll of the white electorate, Ian Smith's Rhodesian Front Party had won all 20 reserved white seats.

Of course, a judgement had to be rendered at that time as to whether these elections had met the free and fair test, which would be the final legitimization of the Lancaster House settlement. Speaking personally, I believe they amply met that test. No doubt, there was intimidation, and not solely on the ZANU side, though there was probably more on that side. Nevertheless, the outcome was an accurate reflection of the several parties' relative strengths among the populace. If there had been no irregularities at all, the outcome would have been just about the same. ZANU swept the areas populated by the Shona, Nkomo likewise in Matabeleland, and Muzorewa took a few urban pockets.

Why did Muzorewa do so badly when he had won a substantial majority the year before? In 1979, he was not running against Mugabe's ZANU and Nkomo's ZAPU. He was the leading choice among the African nationalists who were in the race, so he got the votes. The Africans were voting for peace, which many hoped he could deliver on some terms or other, but he was unable to stop the war or even to demonstrate that he had really taken charge from Ian Smith. It comes down to the fact that in 1979 Muzorewa ran pretty much unopposed, whereas in 1980 he had two opponents who turned out to be much stronger than he.

The outcome of the election was fortunate in one important respect. Having won a majority of the seats, Mugabe was able to form a government without relying on the support of any other party, without forming a formal coalition. One could argue that a ZANU-ZAPU coalition might have obviated some of the difficulties that Zimbabwe has experienced since independence. To me that seems doubtful. The coalition would have been no more stable than the "unity" imposed on Nkomo and Mugabe by the front-line states earlier on. A formal coalition, rather than providing moderation, might have resulted in paralysis.

At the same time, a party such as ZAPU, drawing its support solely from a vastly outnumbered small tribe, is now relegated to permanent minority status and cannot provide the stabilizing effect of a loyal opposition which has a chance of winning a majority and thus offering an alternative government.

Mugabe did bring Nkomo and some of his associates into his government after Nkomo had twice refused the post of president. Supposedly Soames advised Nkomo to decline the post of president because it was too ceremonial, providing little in the way of political clout. I think that was mistaken advice. It would have been much better had Nkomo taken the presidency and used it to try to obtain some of the leverage that he now lacks almost totally.

Mugabe wanted to have some breathing space after he won the election to organize his government. After all, it was a brand new experience for him to be in charge of something that he had been attacking most of his life. He asked Soames to stay on as governor for a while, and Soames did so, although he was not eager to prolong his stay in Salisbury. They developed a reasonably close and harmonious working relationship, which served to reassure those who had been extremely disappointed, not to say devastated, by the electoral outcome.

Mugabe's first major act of statesmanship was the much-praised speech which he gave on the evening of the announcement of his electoral victory. He preached reconciliation among all racial communities, and thereby overnight he became the focus of hope for a stable and prosperous future in all camps, including those of his former enemies. I am told that Lord Soames's staff provided a good deal of input for that speech. But the fact is that Mugabe gave it; it was his policy; he adopted it wholeheartedly; and he deserves the credit.

Aftermath

There have been many ups and downs in Zimbabwe in the years since independence. Rather than recounting them, however, I prefer to discuss how the Lancaster House settlement looks from the perspective of 1984, nearly five years after it was reached. First, the basic fact is the settlement restored peace to Zimbabwe. There has been violence since 1979 but nothing to compare with the civil war of 1975 to 1979. There are serious instabilities in the whole region of southern Africa and worse situations in some of the neighboring countries than exist in Zimbabwe. Outside elements have been partly responsible for fomenting violence in Zimbabwe.

There is a longstanding history of tribal animosity, conflict, and a struggle for dominance between the Shona and the Matabele. It was manifest in the lack of harmony between the two wings of the Patriotic Front before independence. There are also deep-seated personality conflicts, which is a mild term for something much deeper and stronger. These go back two decades and more among the rival politicians of Zimbabwe and involve not just Mugabe and Nkomo, but many others.

This tribal competition was not addressed in the Lancaster House settlement, but perhaps it should have been, for it has turned out to be a more serious factor than most of us expected.

For example, the British might have tried to set up a federal rather than a unitary parliamentary, Westminster-model system of government, with political power more disbursed to the regional and provincial levels. However, none of the black politicians on any side had any interest in a federal system. They would probably have rejected it altogether, considering it an attempt to preserve some sort of minority interest or privileges, or designed to prevent them from acquiring full political power, which is after all what they wanted. Nkomo would not have liked the idea, though in the aftermath it presumably would have favored him. At the time he, like everyone else, thought he could win it all, or at least a fair share, say 50 percent or somewhat better. He thought he would form the government, and he did not want to form a federal government. Furthermore, the old Rhodesian Federation of the 1950s and early 1960s had left a bad feeling about federal systems. The word "federal" is a bad word in Zimbabwe because the blacks naturally saw that earlier attempt as something designed to preserve white rule in Southern Rhodesia.

The political dispute that instigated the civil war in Rhodesia has been resolved. Majority rule is in place, is unchallenged, is unchallengeable. In Zimbabwe there is a host of conflicting opinions about the quality and direction of Mugabe's rule, of black rule, of majority rule, but its existence on a permanent basis is not questioned by anyone. It is now up to the Zimbabweans as a whole, all of the people of Zimbabwe of whatever race, to determine their own destiny rather than having a very small minority decide for the entirety of the body politic. Given Rhodesia's history, that is no small accomplishment.

One major issue which Lord Carrington deliberately left unresolved at Lancaster House was how to amalgamate the three armies—ZANLA, ZIPRA, and the Rhodesian forces—into one national force. Remarkably, that too has been accomplished with assistance from the British military training team, although there have been serious problems along the way. For instance, the outbreaks of fighting in and around Bulawayo in late 1980 and early 1981 resulted in a few of the integrated units falling apart. There are still problems in this area, major problems. The army is still too large and much too costly. There are many demobilized fighters who need to find a place in the economy and society since there is no place in the military for them. Army deserters form the backbone of the dissident groups operating in Matabeleland. Not surprisingly, old animosities and suspicions bred of the civil war have not been dissipated.

The constitution remains basically intact. There has been one minor amendment of no major consequence. There was an attempt to amend it which failed even though it had ZANU's support. It was a perfectly reasonable attempt to increase the black component on certain commissions. It failed because it did not have enough support either within or outside ZANU. This is quite remarkable, given that large portions of that constitution were forced on ZANU and ZAPU against their will at Lancaster House.

Obviously the constitution will be amended when the party in power is able to, after seven years for some provisions and after ten years for others. I fully expect the white roll and its reserved seats to be discarded at the first opportunity. There will be other changes too—some of which will permit the country to restrict further the outflow of foreign exchange.

In the years since 1980, there has been altogether too much reliance on the Emergency Powers legislation which permits the constitution to be overridden on grounds of national security, an inheritance from the Smith years. No doubt there have been security problems in the country, but I question whether it has been necessary to detain people who have been acquitted by the courts, for example, and certain other anomalies in the administration of justice. The letter of the constitution has been observed in practically all instances, but the spirit, which is perhaps as important as the letter, has not been. In that respect Zimbabwe has been deficient.

No constitution is or should be immutable. The Lancaster House constitution was meant to be a transitional document. It was largely dictated to the black nationalists and parts of it were specifically designed to reassure the white community and others who were strenuously opposed to the coming to power of the guerrilla movements. It was hoped that after a decade, the restoration of peace, the experience of governing by people who had been kept from power absolutely, and simply the passage of time itself might make that piece of paper look not so bad after all.

A piece of paper can do only so much in the way of reassurance. A bill of rights is essential, but as far as the white community of Zimbabwe is concerned, there are other things of equal or greater importance to them such as the quality of education for their children, the availability of good health care, the amount of the economy left in the hands of the private sector, and future opportunities for whites in a variety of fields other than politics. The white exodus has continued since independence, at a rate somewhat greater than during the war. Whether the pace will change is difficult to predict, but it is clear that a constitution alone cannot stem that sort of tide. What can be said is that the Mugabe government has not encouraged the whites to leave by any policies deliberately adopted with that aim in mind. In fact it has encouraged all Zimbabweans to stay so long as they can faithfully accept the new dispensation of majority rule and no discrimination, positive or negative, on grounds of race.

PART TWO: INTERPRETATIONS

CHAPTER V

RIPENING CONFLICT, RIPE MOMENT, FORMULA, AND MEDIATION

I. William Zartman

The most misleading feature of current work on crises and on negotiations is the presentation of the phenomena as single, short-lived events rather than as moments in a longer evolutionary context. A crisis can only be understood and handled well as part of a general process of "ripening" or "unripening" to the point where it bursts or falls, with the components of power and interest taking on a new form in the next phase. This is not the same thing as saying that one must understand the historical background of a conflict in order to be able to resolve it, although it is true that the shape of a crisis is determined by its history. Nor is it meant to imply that a conflict runs a course of its own that cannot be altered. What it does assert is that a crisis is the product of a course of events and not an isolated momentary happening, and that crisis management involves a particular manipulation of the power and interests of the parties as the crisis evolves.

However, all moments in that evolution are not equally propitious for dealing with conflict and crisis. Ripe moments, or windows of opportunity, can be identified in their essential characteristics and then recognized in the event; once recognized they can be seized upon to move the conflict toward management and even resolution. Since they can be identified, they can also be created, or at least the conditions for their creation can also be identified, even if they may be difficult to bring about in reality. Identifying the ripe moment, seizing it, and

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creating it are not unambiguous actions, just as the ripening process or the appearance of ripe moments are not unambiguous events. There is likely to be lots of "dirt" in the product and noise in the channels.

Formulas for Agreement

But timing and ripening are not enough. For the crisis to be surmounted and the conflict managed, if not resolved, the interests of the parties must be clearly understood and then shaped into a common understanding of the problem and its solution—a formula which can both frame the problem within a common notion of justice and provide a guideline for implementing details. Finding a formula for agreement is a product of a negotiator's skill, but it is also a function of the evolving currents of conflict. The negotiator takes the issues and interests of the parties in conflict and fashions them into an agreement. Even if he fails, his efforts leave those strands of the conflict twisted in new directions, and often repeated failures—partially ineffective attempts at success—are necessary before a final effective attempt at success can be achieved.

It may help, in connection with the ideas of ripening and of formulation, to evoke the concept of "regime" which is currently much in use. A regime can be considered a set of international rules and institutions governing relations around an issue. Conflicts may arise within a regime but the institutions are generally established to handle disputes within the given relations. However, if the disputes are not satisfactorily handled, the regime itself may be challenged. For example, the Hay-Bunau-Varilla Treaty on Panama, crown colony status for Rhodesia, and colonial status for the Falklands and for Cyprus were all regimes governing the structure of power in these four territories. Conflict arose as a challenge to these regimes and/or to establish new power structures within a replacement regime. Power, its relations and its distribution—all were in flux before the actual collapse of the *ancien regime*, and it was the shifting power relations which had to be taken into account in the successor.

In some ways, a formula resembles a regime, in that it provides a general framework for an agreement. However, there are many formulas: each party comes to the conflict with one or more in hand, and parties may even agree to a joint formula without actually resolving the conflict. Furthermore, parties may agree on the ultimate regime for the conflict area but disagree on how to get there. Since political evolution goes on even during a transition, transitions often overshadow final solutions. To keep matters straight in this paper, "regimes" will refer to the power arrangements in place, and "formulas" to the various proposals— adopted or not, resolving or not—which are put forward to contain agreement.

Frequently, parties to the conflict are unable to perfect their evolution or find their formulas for agreement on their own. The pressures of the conflict remain too powerful to allow them the necessary momentum and creativeness to overcome their differences. At such times, a mediator is needed. The amount of mediation necessary may vary, but the mediator's presence does not change the nature of the conflict management and resolution process. It merely introduces an additional player—an interested catalyst who helps the process along without being a party to the conflict, but who almost invariably has an interest in ending the conflict, even if not in any particular ending.

From the process point of view, effective negotiators can be thought of as mediators in their own conflict. While they may as individuals be committed to finding solutions, they may have to deal with home teams and issues which are more closely wedded to the maintenance of conflict—or at least to those positions which produce conflict. When conflict and crisis are powerful enough to keep negotiators ineffective, catalysts are needed to make the management process work.

I will use these four notions—ripening conflict, ripe moment, formula, mediation—to analyze the basic elements of recent significant conflicts, the cases discussed in this volume: Panama, Rhodesia/Zimbabwe, Cyprus, and the Falklands/Malvinas. Two of these cases were successful. Negotiations between Panama and the United States ended 13 years of open conflict on August 10, 1977, by establishing a new regime for the Panama Canal; the agreement was signed on September 10 and ratified after much difficulty on June 16, 1978. It effectively changed the situation created by the 1903 treaty by shifting sovereignty over the Canal from the United States to Panama, and worked out defense and operations relations for a fixed period in this new situation. Negotiations among the Rhodesian parties in the presence of the British ended 15 years of conflict on December 21, 1979, by establishing conditions for independence as Zimbabwe; the elections were held in April

1980 and independence was declared on April 18. The agreement shifted sovereignty from the British, and away from the Rhodesian Front's unilateral claims of independence in 1965, to the new independent state and its Patriotic Front majority government, and it provided some conditions for the operation of the new state.

Two other cases were apparent failures. Negotiations between Great Britain and Argentina during the southern hemisphere winter of 1982 failed to prevent the Argentine take-over of the Falkland Islands, the British reconquest, or the embittered return to the status quo which underlay the conflict. Negotiations had begun in 1966, but the resort to violence 16 years later destroyed apparently ripening chances for a change in status and relations and a shift in sovereignty and provided no future procedures for handling the problem. Its most immediate impact was to topple the government in the defeated party, Argentina. Similarly, negotiations have been a continuous if intermittent event in Cyprus, but the latest round in 1985 broke down, leaving unresolved the status quo created by the Turkish invasion 11 years earlier. Negotiations brought independence to Cyprus in 1960 and a cease fire in 1967 but the result was not stable, and the attempt to change the status quo in 1974 by Greece brought a new status imposed by Turkey. Again, the most immediate impact was the fall of the Greek regime. Clearly, both the Falklands and Cyprus do not represent final failures of conflict resolution or crisis management, but landmarks in the evolution of the problem, making it more difficult to resolve but also changing the power relations between the sides and demanding new solutions. The basic questions, for analysts and practitioners alike, can be applied to all four cases: How was the conflict handled at the time of crisis or resolution? And why was it not handled earlier so as to provide resolution and forestall a crisis?

The Search for a Resolving Formula

The whole ripening process is part of a search for an appropriate formula to resolve the conflict.* The notion of a search should not be taken to imply that what may eventually be the formula for resolution was never mentioned until that time.

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* See Zartman and Maureen R. Berman, eds., *The Practical Negotiator* (New Naven, CT: Yale University Press, 1982).

Indeed, to the contrary, it is most likely that the idea itself was mentioned on occasion earlier on but was never seriously considered—at least not seriously enough to be adopted—by the parties. This fact only heightens the importance of the original question, for if the idea was in the air, why was it not adopted earlier? Part of the answer is that the parties were simply too far apart in their own notions of formula during the earlier stages of the conflict to be able to make the big jump that the resolving formula would have required. But that answer may (although need not) be seen as tautological: The parties were too far apart because they were too far apart. It is necessary to look for independent variables to provide better answers.

Panama: Satisfying the Demands of the Conflict

For over half a century the Panama Canal was governed by the regime established in the Hay-Bunau-Varilla Treaty of 1903. Unilateral American control, exercise of sovereign rights, perpetuity, and payment of rent to Panama were its basic elements. This regime was the basis of the 1955 implementation agreement, the last U.S.-Panama treaty to embody the 1903 elements, but it was soon challenged by the 1958-59 demonstrations over the question of Panamanian flags. The United States reaffirmed Panama's "titular sovereignty" and proceeded to implement a two-flag policy, which was then challenged in bloody riots in January 1964 that began with American Zonians' challenging the policy and ended with Panamanians' rebelling against it. Before the end of the next year, new guidelines were issued by the two governments which formed the basis of a new formula. The Johnson-Robles guidelines of 1964 called for a new treaty to replace the 1903 regime, linking the Panama Canal administration to the construction of a new sea-level canal, but not specifying the new regime. The formula was completed in the 1967 treaties negotiated between the two countries, which established a joint defense, justice and administration for the Canal on the basis of Panamanian sovereignty. Initialed on June 20, 1967, the treaties were never signed and never submitted for ratification; the election of a government hostile to the treaties showed that the proposed regime did not contain a resolving formula.

Negotiations resumed in 1971 and quickly ran aground on very differing formulas of jurisdiction, the United States demanding long-term rights to operate and defend the Canal and the Panamanians calling for a shorter treaty and effective sovereignty. The American formula differed only slightly from the 1903 regime, the escape provided by the sea-level possibility having proven to be unworkable in 1967. Panama then took the issue to the U.N. Security Council, forcing the United States to veto the resolution. There was a complete stalemate, and the threat of violence and crisis was increasing.

Fortunately, the parties were wise enough to grasp this situation. The result was the negotiation of the Kissinger (Bunker)-Tack principles of 1974 which set the basic formula for the final resolution: sovereignty and jurisdiction would revert to Panama, perpetuity would be replaced with fixed-duration agreements, defense and administration would be handled jointly, and Panama was to receive a just and equitable share of benefits from the Canal, its principal resource. On this basis, negotiations were conducted from June 1974 to March 1975. In the process they carried each of the principles as far as possible from general agreement into details, ending in "threshold agreements" in November and then a status of forces agreement. When the implementing details aroused opposition in the home capitals, the negotiators returned for more detailed instructions, including a two-treaty formula that allowed for different durations for operations and defense agreements. Negotiations were interrupted from September 1975 to February 1977 to allow for the American presidential campaign. Six months after resumption, the negotiations were completed on the two treaties. In the Panamanian case, there was an unusual coda to the movement in that negotiations then shifted from the executive to the legislative branch over the following ten months. These negotiations were among the most hostile of the whole conflict, but it is important to note that Congress was never able to shake the formula that resolved the issue between the two parties. Details were renegotiated but the formula of 1974, refined in 1975 and 1977, stuck.

Thus, the four rounds of negotiation—1965-67, 1971-72, 1973-75, 1977(-78)—represent a ripening of the conflict in terms of formulas, in which various types of replacements for the 1903 regime were tried and either did not receive joint agreement or did not resolve the causes of the conflict. The concept introduces an unusual notion in discussions of conflict resolution, for it suggests that agreement between parties is not enough: The formula must satisfy the demands of the conflict as well if it is to be a resolving formula. The 1971-72 negotiations produced no agreement, and it is easy to see why. The parties had actually backtracked from their previously agreed positions. But the 1967 agreements would not have resolved the conflict either, even though there was a joint decision. The long-term defense commitment, the joint jurisdiction as well as administration, the administrative autonomy, and the sea-level canal tie-in were all elements which would have continued the conflict despite the agreement. But a 1977 agreement was not obtained ten years earlier and by all indications was not obtainable. On the other hand, the 1967 and 1972 terms had to be tried out before they could be discarded. More broadly, alternative solutions—of which these two were the most prominent—had to be considered and discarded and the particularly prominent one tried before being discarded. Thus, by trying to find and apply agreement on the two prominent alternatives, the negotiation ripened the process and cleared the way for a final resolution of the conflict.

Zimbabwe: Ruling Out Competing Formulas

The same process is visible even more fully in Zimbabwe. The regime under which Rhodesia was governed was established in 1923, when it received self-governing crown colony status for its white minority, and was changed little by its incorporation into the Central African Federation in the late 1950s. When the Federation collapsed in 1963 as its other members proceeded to independence under majority rule, Rhodesia was confronted with the conflict between the divergent implications of its own status: Either self-government should be extended to all citizens, or it should be carried to independence under minority rule. The latter was chosen in 1965, leaving the former colonizer and the African majority allied in opposition to the Rhodesian Front's Unilateral Declaration of Independence (UDI). Britain and the majority declared their position to be NIBMAR—No Independence Before Majority African Rule. When Britain tried to negotiate a solution based on a compromise of the two positions, it was rejected by the UDI government first, as in the *Tiger* talks in 1966 and the *Fearless* talks in 1968, or by the nationalist organizations, as before the Pearce Commission in 1972. During this period, the UDI government was in a strong position and its option had not yet been disproven; the African movements could not accept the compromise that Britain sought to offer. After 1974, the tables began to turn, as Rhodesia now became encircled by independent territory and the national liberation struggle heated up, thanks to the fall of the Portuguese empire. But it took time for this change to become apparent, even though it raised the commitment and expectations of the African parties. Therefore, direct negotiations in 1974-75 sponsored by South Africa and Zambia collapsed as well; the Rhodesian government was still too strong to compromise and the Zimbabwean nationalists were too weak to agree. In 1976, the mediator was American and the formula involved majority-rule independence in two years with a joint transitional government in exchange for economic support from the United States. But the formula was not clear, the end point was obliterated by the transition, the mediators had spent their leverage just to get a hearing for their proposals, and the effort failed.

Meanwhile, UDI was losing its ability to appear as a resolving formula, but a new formula remained to be tested—an internal settlement with an appearance of power-sharing but an effective maintenance of the Rhodesian government. This was tried in 1978-79. It was clearly doomed to failure, since conflicting formulas for not sharing power could not be bridged by a formula for sharing power. But under the circumstances it had to be tried so that it could be disproven in fact, as it was in logic, or proven in fact against all logic. It was the first that happened, opening the way for the final Lancaster House negotiations. They returned the conflict to the early 1960s, but with all the competing alternative formulas now ruled out. Under restored British auspices, a democratic constitution and a one-man-one-vote election, preceded by a brief transition and a cease fire, provided the temporary and permanent regimes for the transfer and exercise of sovereignty.

In the Zimbabwean case, the resolving formula was in the air nearly two decades before it was finally adopted, but the conflict had to catch up with it. That ripening process of the conflict involved both trying and discarding alternative formulas and also undergoing power shifts to approximate more closely the positions of the parties in the final regime. Unlike Panama, there was never any agreement among the parties on an insufficient alternative. The possible exception might be the internal settlement, but it does not qualify because it did not involve enough of the parties to constitute a resolution of the conflict. Somewhat like Panama, however, the resolving formula was even more advanced than the initial demands of the newly benefiting side; the original NIBMAR formula focused more on the transition than the final settlement, but the 15 to 20 years lost in the evolution of the conflict more than absorbed the time of transition. Thus the conflict ripened to the point where a stable resolving formula could be negotiated. In this light, none of the failed negotiations actually represented a step backwards, but rather were necessary to clear the way for the step forward constituted by the final negotiated settlement.

Cyprus: Still Searching for a Resolving Formula

The Cyprus question in its modern version is complicated by the fact that there is still no firm agreement on the nature of the problem. Is it a dispute between Greece and Turkey, or a dispute between the two Cypriot communities? From 1960 to 1974, there was ostensible agreement on the second but the first interpretation eventually took over. Both problems were addressed in the independence regime, which defeated an alternative concept of majoritarian rule with civil rights guarantees in favor of a bicommunal government linked with treaties of guarantee ("alliance" and "establishment") to the two neighboring countries and to Britain. Within a few years, however, bicommunalism had destroyed unitary government operations. In 1964, civil war greeted the attempt to revise the constitutional regime and American mediation proposed a looser alternative of communal autonomy within a unitary administration. Continued civil war brought effective communal autonomy patrolled by UNFICYP troops (U.N. Force in Cyprus). Again in 1967 civil war provoked even greater communal separation, utilized then as the basis for intercommunal talks. But the results were neither successful in reaching agreement nor satisfactory in finding a resolving formula for the conflict, and in 1974 the Greek military government returned the problem to its international interpretation by attempting enosis (union with Greece). Turkish troops intervened to support the Turkish zone, and effective partition resulted, with a third of the island being in Turkish hands. In 1975, the Turkish Cypriots declared a Turkish Federated State of Cyprus and in 1983 made their unilateral declaration of independence. Negotiations began in 1976 under U.N. auspices to replace the two-state regime with a one-state federal regime. A decade later, in January 1985, the formula was complemented by details on several aspects of the federal solution, but talks broke off over disagreement over what exactly had been agreed to.

The Cyprus dispute includes several crises and, to date, no resolving formula. What appeared to be one in 1960 was undone in practice, both by the Greek-Cypriot-dominated government and then by the military government in Greece. As a result, there has been movement away from the bicommunal regime toward a more strongly separated federal regime, still within a single state. Other alternative formulas—enosis, two separate states—have been tried, as in Panama and Zimbabwe, but unlike these cases, the alternatives have not been fully rejected nor has their experiment served to reinforce the original and remaining regime. To the contrary, a quarter-century of experience has shown the original agreement not to be a resolving formula. As of 1985, the parties were tinkering with the details of a new formula, but underneath the dispute over details remains a more basic dispute on the nature of interrelations of the two units: separate and equal, or proportional and cooperating. The sense of justice which is so basic to the nature of a formula and which found expression in the "one-man-one-vote majority rule" notion in Zimbabwe and the "single-sovereignty-and-jurisdiction but joint-administration-and-defense" notion in Panama is still elusive in Cyprus.

Thus, there are two ways in which the ripening can be perceived: one as an "unripening" or exacerbation of conflict away from an initial regime, and the other as the evolution of the conflict toward a new (but not necessarily final or resolving) formula. The latter is more helpful, because it fits into a broader interpretation and provides insights into the evolution and resolution of conflict and crisis. If the Cyprus problem can be seen as a bumpily evolving conflict, the independence regime in 1960, the unitarizing reforms of the 1960s, enosis in 1974, partition and bi-state status since the mid-1970s, and possibly even the UNFICYP patrols since 1964 were all attempts at trying out alternative formulas in an effort to find the one that worked. Negotiation in this type of situation serves two purposes, not just one: it not only works to bring the parties' views together on an agreeable formula, as commonly supposed, but it also seeks to eliminate by logic and persuasion alternatives other than a resolving formula. It is not enough to bring the parties to agreement; the agreement must also solve the problem, and it must lock the parties into their agreed solution without leaving them leeway or temptation to try out something else.

In other words, the alternatives must be shown to be logically inoperative, structurally unavailable, and less attractive to the parties than the agreed solution. This is less difficult in a Zimbabwe where one of the parties has been corporately dissolved, or even in a Panama, where one party holds sovereignty but where there is an operative interdependence in other fields, than it is in Cyprus, where the parties are locked in a position of separable inequality.

In regard to resolving formulas, the Cyprus negotiations show that resolution must take into account the parties involved, their legitimate existence, and their power relations. The 1960 regime did the first admirably, in bringing British, Greek, and Turkish commitment to the settlement along with that of the two Cypriot communities. But the second and third elements were in conflict, since the power of the Greek community in the bicommunal regime threatened the legitimate existence of the Turkish Cypriot community, and the temptation to use the structural basis of that power was not resisted by the Greek Cypriot government. A federal regime seems to meet these requirements more realistically, although aspects of both the formula and the details remain to be negotiated.

The Falklands: No Formula for Transition

Finally, the Falklands conflict illustrates an attempt to move from one regime to another which broke down over the parties' inability to find a formula for the transition. The conflict itself never seems to have ripened. Rather, the old regime appeared more and more anachronistic but never either untenable in reality or weakened in its original justification: Basic principles of self-determination would leave the Islands in British hands, and only less certain principles of geography would shift them to Argentina. Negotiations which began in 1966 reached agreement five years later on the principle of gradual transfer of sovereignty from Britain to Argentina. After a half-decade pause to consider the modalities, negotiations resumed in 1977, but no formula for the transfer was discovered. Argentine impatience rose. In 1981, Britain offered a leaseback formula, with sovereignty to be given to Argentina but the Islands leased back to Britain. When Argentina and the Falklanders rejected the idea, formulas for divided sovereignty were considered and then rejected as negotiations broke down again in February 1982. After issuing thinly veiled warnings in January and February, Argentina took over the South Georgia Islands in March and the Falklands in April.

The issues of the crisis then to be resolved included not only the future regime and the transition but also the liquidation of hostilities. In the subsequent two months, until British troops restored the status quo ante bellum, American, Peruvian, and U.N. mediators tried to revive negotiations on the basis of various formulas which had been discussed in previous years. In all proposals, liquidation of hostilities was to be accomplished by a cease fire, the withdrawal of forces, and an interim international administration. The American proposal foresaw a condominium as a future regime, whereas the Peruvian and U.N. secretary-general's proposals foresaw merely a commitment to negotiate under some mediating auspices.

Ripening was therefore not characteristic of this conflict and in its absence there was no elimination of alternative regimes. But there was an elimination of the military option, at least for a while. The war put the conflict back on the negotiators' table, with unilateral attempts at solution shown to be unsuccessful on both sides.

The Nature of the Ripening Process

The ripening process is composed of four elements: the collapse of the original regime, the elimination of alternative formulas, the readjustment of power relations among the parties, and the identification of a resolving formula (including a formula for transition). For the first, "collapse" is a misleading term to apply to the gradual eroding of the *ancien regime*, since its inadequacies and unworkable nature only become evident gradually. Because of the gradual nature of collapse, some see the old order as outmoded before it "really" is, while others do not see its passing long after it has happened. The slow, differential, and uncertain learning of human beings is what makes for uneven ripening, as will be seen in regard to other elements in the process. Little by little, as the inadequacies of the old regime appear in perception and in practice, the conflict provides pressure for a new arrangement that will meet the parties' needs and interests. The cost of maintaining the crumbling regime against attack adds to that pressure. Conceivably, the old order may be restored at a bearable cost, but if the conflict becomes vigorous enough to be marked by events costly enough to be termed crises, it is likely to require new solutions that involve the input and agreement of all the parties, that is, it is likely to require negotiations.

For the second, the ripening process serves to eliminate alternative formulas. It may do so by allowing time for reflection, but if that were to be all it would mark a perfect, philosophical world. As in the case of the old regime, new formulas have to be tried, tested, and fought over in order to be discarded. What is referred to here is a unilateral effort, in which one side proposes, applies, defends, and the other side rejects. There is more involved than merely a matter of floating ideas; a breakdown in negotiations or a crisis in the field results when one side decides to press a favorite alternative to see whether it can solve the problem and finally win agreement. Thus, enosis in Cyprus, UDI in Rhodesia and Cyprus, leaseback in Panama, and unilateral transition in the Falklands are all attempts to try to replace the old order. The collapse or defeat of the alternatives continues the conflict but it also narrows the possible outcomes. Sometimes it may eliminate the only remaining ones, leaving the parties with no evident way out. The conflict continues, a problem without a solution until a change in circumstances makes resolution possible.

For the third element, one possible change in circumstances is a realignment of power relations. Either the prospect of elimination of one party (which wants to make a deal while there is still time, as in Rhodesia) or the gradual equalization of party power (as practiced in Cyprus and Panama and attempted in the Falklands) are the two apparent forms of power change that characterize the ripening process. In fact, the first blends into the second, since it is the weakening, not the disappearance, of the stronger party that brings the power structure closer to equality and creates a propitious situation for settlement.

Negotiation literature is dominated by the notion that equality is best for satisfactory settlements, a judgement too stark to be applied strictly to the real world but important enough to provide insights into complex situations. As will be seen in the following section, it is stalemate that prepares for negotiation, and stalemate means mutually blocking vetos. Turkish Cypriots sought to move toward equality when inequality proved to be the basis of the problem. The rising threat of a Panamanian mob veto on Canal operations aggravated the Panamanian problem. Panama never was the equal of the United States, to be sure, but in the Canal Zone Panama could raise the operating costs so high as to constitute an effective challenge to American power. The African nationalist Patriotic Front and the white settler Rhodesian Front teetered along the line of equality in the late 1970s as the former rose in strength (but not enough to take over immediately) and the latter sank (but not enough to lose its claim to a few privileges and a fair electoral chance before giving up power). One key to the Falklands problem was that there were no such incremental ways of shifting, let alone equalizing, power. Distance helped a bit, as did the wave of anticolonial sentiment, but neither was conclusive. All that was left was for Argentina to make a total grab, and the very cost of repulsing it fit the mood of Britain at the time.

Fourth, the culmination of the ripening process is the emergence of a resolving formula. The right formula is more than a bright idea (although that is the beginning). It is an idea that takes hold, that is considered, discussed, debated, tinkered with, tested, probably even discarded and reinvented as it begins to look better in comparison with other alternatives. Again, the accent is on the perceptional, even experiential element, rather than on a cold checklist of ingredients.

The ingredients of a resolving formula appear from the cases. They include a new regime that solves the major problems, a common definition of the issue at conflict, a working relation among the parties involved, an inclusion of the major parties concerned, and a notion of justice underlying the solution. Within these five guidelines, the rest is invention. However, the cases also show the need for an additional element in the settlement, and that is a transitional formula—a way of getting from the current conflict (or the collapsing ancien regime) to the new regime. Often this is more crucial than the actual resolving formula.

The pace of the ripening process is determined by the learning and perceiving of the parties, for which there is no fixed rate. Attempts to maintain old regimes or to find alternatives are necessary, but they slow down the evolution of the conflict and often create further bitterness by their failure. Yet some alternatives must be tried; confrontation groups are no substitute and simulations are uncertain. Since politics is risk-taking, the trial-and-error nature of the process goes on. Since power relations are a basic and inevitable part of the conflict, as much as is justice, the process goes on even further, and since both power and justice are changing and ambiguous, it goes on even further yet. The process proceeds on its own, although humans are its agents, pursuers as well as perceivers. It can be accelerated by a pragmatic search for solutions, innovative thinking, quick learning, attention to the components of a formula, and a sense of the ripe moment.

Ripe Moments: How to Recognize Them or Create Them

There are times when efforts at resolving conflict are more likely than others to succeed. Since conflict resolution and crisis management mean coming to terms with the opponent and making a joint decision, rather than pursuing the conflict unilaterally, it seems logical that certain conditions could favor such a shift of perceptions and activities. These conditions are independent of the distance which separates the positions of the two sides; hence they work on the evolution of the conflict but are outside the previously discussed elements that constitute that ripening process. Professional diplomats often talk in terms of "a ripe moment" or a "window of opportunity," but little attention has been given to more precise identifications that would allow analysts and practitioners to discern the moment better or eventually to create it.*

Ripeness is associated with conditions where parties realize that their attempts to solve the problem and pursue their goals alone are unlikely to succeed at an acceptable price. The elements of such a moment are therefore a deadlock or blockage to competing unilateral solutions, a high or rising cost, valid spokesmen for identifiable parties, and an alternative way out that reduces the cost but achieves an acceptable number of the goals and interests originally sought. A ripe moment may therefore be characterized as a mutually hurting stalemate for specific parties with a way out. Each of the elements needs further examination. The stalemate must be long-term with no prospect of escape through escalation of the conflict. It is the attempt to break out of a stalemate by suddenly raising the stakes or grabbing for the prize that makes a crisis, quite the opposite situation from a deadlock into which the parties are locked without hope of unilateral escape. Parties will consider the chances of effective escalation when they find themselves in a stalemate, and, if they find no cost-effective way to raise the stakes, they will be led into a ripe moment for resolution. It is important to emphasize as well the necessity of being "locked in." A situation where neither party has been able to prevail in the conflict but where each has lots of alternatives untried is not a deadlock or stalemate; it is simply a situation of unattained goals with many means of achieving them. Stalemate implies that these means have been exhausted.

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* See Zartman, *Ripe for Resolution: Conflict and Resolution in Africa* (New York: Oxford University Press for the Council on Foreign Relations, 1985).

The deadline or precipice is the element that turns the stalemate into a ripe moment. People learn to live with stalemates, even unpleasant ones. Therefore, the stalemate must actually hurt, so that the parties feel that things cannot go on like this and something must be done to find a way out. The pain or cost inherent in the stalemate is one element in this pressing need but it too is not likely to be enough. What is needed is a sharp change in costs, a catastrophe that makes matters much worse if a way is not found to come to agreement. The timing of the catastrophe is the most ambiguous element in the scenario. It would be nice to think that a looming catastrophe—literally, a deadline—would be most effective, since then the threatening situation with all its costs would not have to be played out. Unfortunately, in the terms previously discussed, looming catastrophes often constitute the last, risky chance a party has to escalate its way out of the stalemate, and as such it may have to be played out to be proven illusory. As in the very nature of threats, effectiveness—and especially cost-effectiveness—is greater if the threat is not used, but threats are not infallible—also by their very nature. Therefore, the catastrophe may well have to be gone through to be effective in defining the ripe moment. Perhaps most effective is the catastrophe narrowly missed, whose credibility is no longer in doubt but whose actual application is avoided. Thus, the ripe moment comes from a stalemate that is both costly and is related to a sharp increase in cost without any corresponding escapability.

The third element requires less discussion since it has already been covered. A ripe moment needs to have the possibility of a way out. Locked in a worsening stalemate with no way out, parties can turn desperate and irrational, seizing unreal opportunities for escalation that only make matters worse.

The Falklands: No Attractive Way Out

The Falklands situation in March 1982 illustrates the concept well. The negotiated deadlock was perceived as total and was painful, but only to one side. The moment was scarcely ripe because of the asymmetry, and the thinly veiled threats from Argentina which tried to imply that the cost for Britain was rising were not believed. Furthermore, there was no attractive way out, in this case no appealing transitional formula that bridged the two competing ideas of justice. A number of putative formulas were floated, however, and might have constituted a range of resolving formulas had the moment been ripe.

But the Falklands crisis also shows ways of manipulating reality and changing perceptions. The problem in creating the ripe moment was the absence of symmetry and credibility; even Secretary of State Alexander Haig could not convey the threat of a British recapture persuasively. However, had the Argentines effected a symbolic capture that would have made their own threat credible but not a direct invitation to its own undoing, the hurting quality of the stalemate would have been shared, and a ripe moment created. This would have required something like a unilateral withdrawal by the Argentines, except perhaps for a token police force in the post office, accompanied by a public invitation to complete the negotiations. Another possibility would have been public occupation—to complete the "private" take-over—of the South Georgia Islands, followed by the same sort of invitation providing a way out.

The third lesson of the Falklands is that the moment was somewhat riper after the crisis than before. Argentina and Britain had both shown that they could "do it," with some heavy costs. The cost and pain was enough to cause doubts about a repeat adventure on either side, however. The catastrophe was more effective past than looming, and, once an appropriate facesaving time had passed, private and then even official contacts could be revived. The last caution on past catastrophes, however, is that their memory fades and their effectiveness dims as time goes on. Ripe moments are indeed often only moments.

Cyprus: No Catastrophe on the Horizon

A similar ripe moment was missing but might have been created in Cyprus in 1974. Again, the threat of invasion was not credible, this time because it was so illegitimate, the same barrier which reduced the threat power of an Argentine invasion. But external intervention to eliminate the invasion before it occurred or immediately thereafter could have capitalized on the catastrophe to create a propitious time for revising the regime or reinforcing its workability. Since then, there have been no ripe moments and the concept indicates why. There is nothing really painful about the stalemate to the two sides. Greek Cyprus is learning to live with its reduced size; Turkish Cyprus is learning to live with its lack of recognition. Only the first element of the ripe moment (deadlock) is present, but the second (deadline) is missing, and indeed the threats have all been played out, leaving no catastrophes even on the horizon.

In Cyprus there were other near moments that had some of the same characteristics of early 1974, when there was practically an agreement among Cypriots that was turned down by one or both of the neighboring capitals in hopes of a better deal (in 1974 actually in plans of the invasion). For example, in July 1978, a proposal to break the deadlock on Varosha was turned down by the Greek Cypriots until it was too late, in the hopes of getting a better deal. In January 1985, when the United Nations had gotten a Turkish Cypriot agreement on the new federal formula under Turkish pressure, the framework was rejected by the Greek Cypriots in hopes of negotiating minor improvements, a manifest confusion of formula and detail. The Turkish Cypriots then pressed Ankara for a constitution and elections, further steps toward sovereignty. The moment remains propitious for agreement, even if some of the elements of ripeness are still absent, as discussed. But the prevailing spirit of haggling, that fails to see that the alternative to a given agreement is not a better agreement but no agreement, defeats even the ripest moments.

Zimbabwe and Panama: Seizing the "Last Chance" for Settlement

The two successful cases are full of lessons about ripeness, not only in regard to the success of the resolution attempts themselves but also in regard to earlier opportunities. In Zimbabwe, the ripeness of the moment in the fall of 1979 was classic: the suspended threat of the Thatcher government to recognize the internal settlement, the temporary success of Smith's anti-guerrilla offensive, and the combined pressure of the local and distant allies of both sides focused on the moment as the last chance for a while, with a prospect of uncertainty and serious worsening for both sides if it failed. The orchestration of Lancaster House by the British chairman, Lord Carrington, applied the concept of ripeness in detail. Conditions were nearly ready but not quite so in early 1976 and mid-1978, suggesting that ripeness builds up in at least some instances. In 1976, the threat of guerrilla escalation was the impending catastrophe, but it was not yet credible enough before being demonstrated. A Nkomo-Smith internal settlement would have been the result, although it is not certain that it would have been any more than a transitional formula, as the Muzorewa-Smith internal settlement turned out to be. In 1973, the problem was the weakness of the British Labour Government. Parties to a negotiation must be in a presently strong, even if prospectively threatened, position for the time to be ready.

Conditions were also ripe in a different set of circumstances in 1963 and 1965, but at those times it was more a question of British authority than of negotiation among conflicting parties. The African nationalist organizations were not yet strong enough to be equal parties to a stalemate or even to a conflict (much like SWAPO in Namibia for a long period into the 1980s). At least they needed an ally to even up the sides, something that Angola was able to do for SWAPO but that even Britain could not do very well for the Rhodesian movements of the time. Conditions were therefore ripe for a crisis, if the British had not abdicated their authority, but crisis and conflict were needed before management and resolution could be considered.

Finally, Panama brings a special angle on the idea of the ripe moment. Analysts agree that there was a window of opportunity that the negotiators had to seize, composed of such elements as the post-Vietnam reactions, the bipartisan adoption of the Canal issue, the liberal reaction of the first half of the Carter Administration, Torrijo's patience and commitment and also the temporary abeyance of his critics, and the rising wave of American opposition that meant that the ratification demanded an all-out fight. The treaties squeaked through as the window began closing and almost certainly never would have made it after 1979. Yet for all its chanciness, that ripe moment was remarkably durable while it lasted, even bridging two opposite administrations. It is hard to see earlier missed opportunities, since the ripening process was not complete at earlier times. As seen, even the earlier times of agreement—1967 and 1972—did not contain resolving formulas and did not occur at moments of ripeness.

In sum, the cases show a richness in the actual occurrence of ripeness that makes more precision than "plateau, precipice, and outcome" difficult to state. In all instances, where there was a degree of circumstantial propitiousness for agreement, a stalemate or blockage of the parties' efforts at unilateral solution, even by escalation, was present. In addition, it was a hurting stalemate, uncomfortable or unstable as a resting place for the conflict (and when the moment was not ripe, there was frequently a stalemate but a stable or comfortable one). Furthermore, there was always a catastrophe hanging around, somewhere near the moment of ripeness. Sometimes that escalation of discomfort came from a recent or impending crisis, and sometimes it was merely a general or specific feeling that if the current opportunity or disposition of the parties to find a solution were let slip, the conflict would pick up again in a worse form to the greater detriment of its own settlement and of the parties. These are matters that reinforce both the social science analyst's claims that concepts can be identified and the practitioner's claims that recognition is a matter of skill, feel, and experience. Finally, it should be noted that at each time the moment was ripe, the evolution of the conflict itself had brought the dispute to the point where there was a way out, a negotiable outcome that could be seized upon by the parties to lift them out of the mess and carry the conflict through transition to resolution.

The Mediator as Communicator, Formulator, and Manipulator

Frequently, parties are so absorbed by the conflict or so locked into the crisis that they cannot seize the moment or the outcome without the help of a mediator.* The mediator is a catalyst, an agent required to make the negotiation process take place, and therefore mediated crisis management or conflict resolution involves the same process and components as unmediated negotiation. Catalyst is a misleading term in one sense, however, in that it implies that the mediator must be merely an unchanged presence which makes the operation take place without "giving" anything of himself. As a political operation in the real world, mediation encompasses a range of activities. The mediator is inspired by some interests of his own (if only an interest in success for his reputation as a mediator), and he may be closer to one party than to another without harming his function if he handles that closeness properly.

The mediator's range of roles covers three functions: the mediator as a communicator (the most neutral), the mediator as a formulator, and the mediator as a manipulator (the most engaged). Mediation may be limited to simply carrying messages and overcoming the procedural barriers that the parties have erected between themselves. It is more likely to involve some shaping and thinking of the mediator's own, overcoming some of the substantive barriers between the parties. It may even require active pressure on the parties or help in creating a stalemate (by strengthening the weaker or threatening the stronger) or even imposition of a deadline. The mediator may have an interest in an outcome or interests in relations with the parties, but only when the third party is part of the conflict with a share in the outcome does he cease to be a mediator and become one of the parties.

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* See Saadia Touval and Zartman, eds, *International Mediation in Theory and Practice* (Boulder, CO: Westview Press for the Foreign Policy Institute, Johns Hopkins University, School for Advanced International Studies, 1985).

The mediator is usually a most unwelcome intruder into the conflict. Mediation has to be sold to the parties; parties in international conflicts usually do not hire a mediator. Like the parties, the mediator suffers from the effects of the conflict and generally has more to lose from continuing conflict than the parties. He tries to end the conflict or help the parties end it, believing that his intervention is the only way the conflict will end and stay ended. His leverage is an acceptable formula, a solution to the conflict (including management of the crisis) that will win both sides' agreement. In a more disarticulated form, he must present to each party a proposal attractive to that party and also assured of winning the other party's agreement. The challenge is formidable, and it explains the patience and open-minded creativity needed to be a mediator.

This unusual notion of leverage is insightful but not complete. Mediation often involves as well some sort of pressure as part of leverage. Mediated negotiation is more than just an intellectual exercise, where the fit of the formula sells itself. Frequently, the parties may confront a fitting—even a resolving—formula and still hope to improve it or to escalate their way into a more attractive outcome. Since a joint solution is by definition second best to an ideal unilateral solution for each party, the mediator is often required to reforge the blockage to unilateral solutions, strengthen the stalemate, or seal a deadline in order to have even a resolving formula appear attractive.

The triple role of the mediator, the question of partiality, and the dual aspects of leverage can all be examined and exemplified in the cases. In three of the four cases, the parties were unable to seize the moment on their own and instead needed a mediator. (Some might suggest that Panama too was a case of mediation, with the negotiators bridging the gap between the Panamanian government and the U.S. Congress. But that would be to substitute imagery for analysis, and to confuse complex domestic components of international negotiations with third-party mediation.) Cyprus has had a series of mediators: Dean Acheson in 1964, Cyrus Vance in 1967, the United Nations after 1974, with various other parties trying their hands at each round. The Falklands also saw a succession of would-be mediators: Alexander Haig, then the government of Peru, then Perez de Cuellar of the United Nations, all in the short space of a few months. Zimbabwe, like Cyprus, had a long period of mediation, but it was primarily dominated by Britain, which slipped from a party to a mediator as the conflict evolved and was joined by the United States from 1976 to 1978 before it became the sole and successful mediator in 1979.

Some distinctions can be made among these experiences. Vance in 1967 and the Falklands mediators were crisis managers, and among them Vance succeeded. He focused on providing a cease fire to the communal strife, not on bringing a resolving formula (which he did not provide); the Falklands mediators failed to do either. All were more than communicators and acted as formulators; all had their degrees of partiality or impartiality. In Zimbabwe there was a long escalating conflict or a crisis-in-length. Britain (and the United States) acted in reasonable impartiality, although each side thought the mediator partial to the other. By the time of Lancaster House, Britain was acting not as just a communicator or a formulator but, in addition to these, as a manipulator. Indeed, it carried the threat of legitimizing one of the sides by recognition, a manipulation that Haig could not sustain in the Falklands.

To try to draw some final conclusions on keys to the role of the mediator means eliminating a number of cases for cause. As seen, in Panama there was no mediator. In the Falklands, there was no formula and no stalemate, and so the mediator provided neither of the two ingredients which were necessary to his job. In Zimbabwe, there was both formula and stalemate, and the mediator in the end helped hold the parties to the formula by reinforcing the stalemate with threats of his own, including the threat to stop the mediation. Cyprus then is the test case and it is eloquent: there were a succession of formulas as the conflict evolved through its various crises, but, particularly after 1967 (operatively, after the end of 1973), the mediator was a failure because he was unable to reinforce the stalemate that would keep the parties on track and force them to agree to the fitting formula—perhaps even the resolving formula—at hand instead of trying to bargain or to escalate a better deal. The United Nations by its nature was unable to do so; the United States in 1974 was unwilling. Many other cases outside of these four (Chad, Namibia, Lebanon, Nicaragua) would show that the difference between their failure and success was the inability or unwillingness of the mediator to constrain the parties to agree to the resolving formula offered them, instead of trying to run or stall in hopes of a better deal.

This conclusion should lay to rest the notion that it is enough for the mediator to be merely a communicator. In fact, in a political world of risk-takers, the mediator as a manipulator is often needed. It should scarcely need to be added that this is not the same as simply imposition and diktat on the part of the third party, but that all the previous insights about ripening conflicts and resolving formulas need to be included in the mediator's job as well. By the same token, when the resolving formula does not imply the disarming or elimination of one side, it is best that the parties reach their own agreement on a new regime, without the interference of a third party, since both will be around to contest the agreement if it does not continue to satisfy them.

CHAPTER VI

THE MEANS TO AGREEMENT: POWER OR VALUES?

John W. Burton

What lessons can be learned about negotiations and how to reach agreements from the four case studies examined: Cyprus, Falklands/Malvinas, Panama, and Zimbabwe?

It can be difficult to learn from case studies because it is almost impossible to avoid perceiving events selectively and interpreting them according to a cultural and a personal philosophy. For example, in the Falklands/Malvinas symposium, diplomats focussed on the historical and legal aspects of self-determination, political scientists on the domestic power needs of politicians and parties, and those with a sociological bias on the values and underlying psychological needs of the parties. All used the case as a means of demonstrating their own interests, beliefs, and prescriptions. Discussion of the case reinforced, rather than challenged, these philosophies.

By contrast, in the small group discussions which followed the symposia, the case studies were used primarily as examples of propositions, rather than as evidence. Furthermore, the propositions came, not from the case study under discussion, but from behavioral theories and wider empirical experience.

Out of this observation comes the first important lesson: negotiators and mediators need to prepare themselves to perceive and select the salient features of a situation, those features which will finally determine future events and the outcome of negotiations, and not just those that fit into the philosophy they wish to advance.

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However, this observation begs a basic question: what is the approach that, in a particular situation, best stands the test of political realism, and that will lead, therefore, to successful negotiation?

The Contending Approaches

In the small discussion group that met after each main symposium, participants had different ideas about what was realistic politically. In discussing the nature of the situation and, therefore, the means of dealing with it, there were those who leaned in the direction of the traditional state power-political approach to negotiation (direct or through a mediator), and there were those who tended to give more emphasis to the motivations and behaviors that underlie conflictual relationships. Each of these two contending schools of thought has its own assumptions and internal logic, and each its own approaches, not merely to conflict resolution, but to foreign policy in general.

In the small seminar discussions, proponents of each of the approaches employed a special language that revealed their conceptual framework. The state power proponents used terms such as "leverage," implying degrees of coercion that could be exercised by the parties on each other or by a third party. Proponents of the more sociological approach, by contrast, talked of outcomes that were "self-sustaining," and based, therefore, on "freely entered agreements" that satisfied "fundamental objectives." They interpreted "leverage" as coercion or persuasion to accept compromise, and believed it would lead to a settlement that could become unstuck once power relations had changed. Similarly, "timing" was an important concept in the power-bargaining approach, though it was recognized that the opportune time could be determined only after the success or failure of negotiation, thus casting some doubt on whether the salient variable was timing or technique. Reference was also made to the "ripening" process as a means of explaining when negotiation was likely to succeed. A situation is "ripe" when the costs of conflict are too high to tolerate, or when a change in circumstances persuades authorities to compromise and to make negotiation and mediation possible.

To proponents of the sociological approach there is something lacking in a process that has to wait for the appropriate time before there can be useful negotiation—the right time might come too late and only after the costs of war. "Ripening" was interpreted as "rotting"—a situation getting worse and worse until the parties were finally willing to negotiate.

There was, also, a sharp difference in concepts of "success." Those who adopted the traditional negotiating approach regarded the Zimbabwe settlement as an undoubted diplomatic success. Sovereignty was transferred, the high level of violence was reduced at least for the time, and a constitutional government was put in place. Those who adopted the contending approach, however, regarded the independence constitution as just one more in a set of others which the British government had promoted in similar situations—India, Malaysia, Cyprus, Nigeria, Sri Lanka—all of which contributed in time to situations of conflict. For this school of thought "success" can be measured only by real legitimization of the new authorities. Majority government by a central authority in conditions of multi-ethnicity is, in their view, a recipe for conflict and cannot be regarded as a success. What was required in Zimbabwe was a mediated analysis of the total situation to determine the kind of political structure that would satisfy the identity needs of the various tribal communities. Only then would it have been appropriate to consider a draft constitution.

Similarly, in the case of Panama, the final outcome was regarded by the first school of thought as a success after a ripening period of many decades, while the second regarded the long negotiating period as a costly disaster, finally arriving at a settlement that, with more attention to the values of the local peoples, should have been made 75 years earlier.

Within the power-bargaining approach there was no language used that made a clear distinction between contending parties and the mediator or third party. There was, therefore, no clear conceptual difference between direct-power bargaining and third-party intervention. For example, in the Zimbabwe case, in which Britain was the "mediator," British interests were clearly involved.

The approach that focussed on values, by contrast, not only regarded the Lancaster House negotiations as a failure, but also sought to make a clear distinction between states that intervene in a dispute and third parties that pursue a disinterested facilitating role.

To summarize, the one school of thought regarded negotiation as the management of conflict within the framework of relative power and within the existing constraints of historical boundaries and institutions. The other sought resolution by focussing the mediation and negotiation first on making a realistic assessment of the consequences of continuing with the status quo, and then on devising changes in political structures that would be required to avoid the conflicts and high levels of violence that could be anticipated if underlying human-societal needs were not satisfied.

The Connection between Approach and Process

Negotiating and mediation processes are a direct and logical extension of the analysis one makes of a situation. If state power and state goals are the main variables, then power negotiating techniques employed within a power framework, perhaps by a great power, must be shaped accordingly. If satisfying perceptions of identity, cultural security, or other such factors is the main variable, then interaction and analysis by the parties are required to determine their values and the means to achieve them. The difference in approach affects policy decisions and strategies. It is not an issue of idealism, human rights, or justice. It is an issue of political realism.

The issue is whether the locus of power resides in the state and state authorities or in the identity groups (which in some cases may be the state) through which peoples concerned pursue their needs. In Panama, one could ask if the conflict was between a great and a small state or between a great state and local authorities who finally could not or would not control the behavior of local peoples who had an effective power of sabotage. The Chiefs of Staff apparently decided finally that it was the latter. Similarly, one could ask what the real issue is (and has been) in Cyprus. Is it the relative power of the communities affected and the states that support them—requiring some compromise proposal on power sharing? Or is it identity for the Turkish minority that perceive themselves as "nameless persons" who cannot issue their own passports? The failure of mediation and U.N. attempts to arrive at a power-sharing solution suggests that there are issues at stake that are outside the control of state authorities and that the minority identity group will be satisfied only with some form of zonal system through which it can acquire its own identity and security.

The same divergence of approach appears with respect to domestic policies. The fundamental issue in the field of conflict resolution within Central American, African, Asian, and other states, is the same. It is whether, on the one hand, law and order and political stability are best secured by applying legal norms and enforcing them, by sticking to traditional definitions of "majority rule" that render minorities, such as those in Northern Ireland and Cyprus, second-class citizens, and by "socializing" people into acceptable behaviors, or whether, on the other hand, law and order and stability are more securely achieved by satisfying the human needs associated with human and societal development—identity, recognition, participation, and distributive justice. If the latter is seen to be the position, then parties can make a realistic assessment of the consequences of their current policies and arrive at proposals without having to go through the costly process of "ripening."

In the contemporary world society, there are over sixty conflicts that are essentially domestic, but are spilling over into the international system, thus threatening great-power strategic relationships. It is no longer reasonable to separate that which is domestic from that which is international. We are dealing with a world society in which the significant boundaries are the boundaries of identity groups—ethnic, religious, class, ideological—within and between states, and not the boundaries of legal entities called states.

Conflicts persist despite years of negotiation, not so much because of their intrinsic complexities, but because of the ways in which they are managed. Panama is a clear case. The source of the problem was in evidence years before a final agreement. The Cyprus example is evidence of the futility of legalistic negotiation and the drafting of agreements in attempting to resolve problems that touch on basic issues of human needs. No compromises and carefully drafted legal documents can eliminate the human aspects of the refugee problem. No power-sharing schemes can get at the roots of an identity problem. At no point in the history of the Cyprus dispute has some person or group of people set up an interactive situation to help the representatives of the two communities perceive and analyze their human needs outside the context of Western political philosophy and its concern with majority rule and central authority.

Testing the Contending Approaches

There are several ways of testing different approaches. First there are case studies. They are inductive and subjective, but if made within an adequate theoretical framework they can help to throw light on salient variables. It is interesting to observe the nature of books on case studies that are appearing among new acquisitions in libraries. They dwell on demands for independence and identity, for development in all its aspects, and for the preservation of culture. Some references are given at the end of this chapter.

Another means of testing is by theoretical deduction: reexamining conceptual notions and assumptions, being precise about them, arriving at propositions and testing them. The persistent trends in recent work in anthropology, sociology, psychology, and political science lead to clear conclusions. Especially significant are works on the notion of nationalism and ethnicity, and the more general theories on human needs, which suggest that while *interests* are subject to negotiation, there are certain cultural *values* and universal *needs* that, because of their ontological nature, are not for trading under any circumstances or under any pressures. They may be suppressed over the short term by power settlements, but they will reappear time and time again. References to such works are included at the end of this chapter.

Theoretical deduction provides a basis for prediction. The conflictual future of Sri Lanka can be predicted with a high degree of certainty unless and until there is accommodation of the need for the minority to have its own identity reflected in its own decision-making political system or sub-system. The outcome of negotiations, the tribal fighting in Zimbabwe, and the need finally to recognize the nationalist demands of the people of Panama, similarly could have been predicted. A predictive theory is a pre-condition of an effective foreign policy. It is also a pre-condition of effective facilitation, for it is the role of a third party to help the participants to assess the consequences of their behaviors and policies.

What the case studies examined have shown is that the negotiating techniques employed were not based on tested hypotheses. At best they were based on trial and error, which has been generously termed the "art of the possible." Secretary of State Alexander Haig's attempts to get Britain and Argentina to settle their dispute peacefully were based on ideas of rational behavior within a power-political bargaining theory or framework. Within this philosophical framework he had a right to expect agreement, or at least a hold-off, in the light of the costs that each side could incur. Similarly, Lord Carrington had a right, within the framework of law and order and majority rule, to expect stability in Zimbabwe after democratic elections. The U.N. secretary-general and past U.N. mediators had a right to expect some agreement on political power-sharing in Cyprus, where both sides clearly value their identity with the whole island.

In contrast, within the human-needs theoretical framework, which centers the locus of power in identity groups, it could be predicted in all of these cases that the mediators would be proved wrong because their basic assumptions were false. Indeed, at seminars in Britain, which included Foreign Office, Defence Department, and Northern Ireland Office representatives, it was anticipated with a high degree of confidence that the Zimbabwe settlement, then being negotiated, would lead to tribal conflict, just as had other decolonization settlements. Carrington's advisers knew, and he probably knew, that political reality is not based on the power of states and their authorities. It is based on certain values and needs that are not negotiable—ethnic identity, recognition as equals, security of identity groups and their culture, and effective political participation to ensure the pursuit of these values and needs. Nevertheless the Lancaster House negotiations sought only the short-term political advantage of handing over sovereignty—almost regardless of the consequences. The tragedy is that with knowledge of facilitation processes these two goals could both have been achieved.

A conclusion reached within the human-societal needs theoretical framework is that foreign policies, if they are to be successful, must recognize that the locus of power is within the identity group through which the individual seeks to pursue certain ontological needs, and that state authorities do not necessarily provide the focus for an identity group. Within this framework it is possible to explain U.S. failures in policy in Iran, Lebanon, and Latin America and U.S. difficulties in negotiating foreign bases. Whether it be in relation to Central America or relations with the Soviet Union, it is parity (recognition as an equal) that is always being demanded. This demand, like the demands from Panama 75 years ago, is not heard. Within a power framework it cannot be heard. It can only be misheard as some political ploy or trick. Within the values and human-needs framework the demand for parity is understandable and a serious message: no matter what the sacrifices, no matter what the logic of strategic requirements, the Soviet Union demands to be, and to be seen to be, an equal with the United States. Its system will be defended and respect for it will be demanded, even though there are disagreements on interpretations of freedom, on value systems, and over different priorities. Indeed, the Soviet Union makes and will continue to make the same demands as are made by the United States.

What is the nature of the negotiating process that follows logically from this alternative explanation of events in the world? If outcomes are finally determined, not by relative power, but by persistent drives for the satisfaction of certain needs, then the negotiating and mediation processes must be structured so that the parties concerned can interact and discover the hidden data of motivation and intention. This requires a facilitator who will insure that there is adequate exploration of the conflict and that basic needs are satisfied without compromise.

It so happens that some testing of the contending approaches can be made in relation to at least one of the cases discussed within the seminar group, the case of the Falklands/Malvinas.

The history of the U.S. and U.N. mediation efforts between the Argentine invasion of the Falklands and the British response is well known. They failed to achieve any success. In the power mode, the "ripening" process was not complete. It apparently is not complete yet, as both sides are prepared to carry the costs. There is no "leverage" that can be applied by either party on the other or by a mediator. An attempt, with the help of Switzerland and Brazil as a third party, to break the deadlock took place at Bern, Switzerland, in July 1984. The talks lasted two days. The two sides did not meet but had to rely on runners, as they did not "recognize" each other. There was no progress once the British side had stated it would not discuss sovereignty.

This was a typical bargaining-negotiating encounter from fixed positions. There could be no analysis of the situation, not even of the concept of sovereignty which was interpreted in a narrow legal framework.

About the same time, unofficial, analytical interactions were taking place at the University of Maryland, despite the absence of formal communications or the lack of "ripening." These lasted over five days on more than one occasion. They were between members of the relevant legislative committees of Britain and Argentina. There was little reference to the official arguments based on history and law. While sovereignty was one of the issues raised, it was reconceptualized so that it had a functional content and was no longer a win-lose issue. This could not have occurred had not the parties been in a face-to-face interaction, and even then, perhaps not in the absence of a third party panel whose role it was to insure this analytical approach. The feedback from this group into the decision-making process is designed to make direct negotiation possible and positive. As a result of these discussions, a visit took place by British parliamentarians to Argentina and a return visit is planned to promote "pre-negotiation."

Here we have two contending approaches. There was a similar test in relation to Cyprus. During the 1970s, at a time when the U.N. mediator, Ralph Bunche, could not bring the parties together, the president (a Greek Cypriot) and the vice-president (a Turkish Cypriot) of Cyprus were invited to nominate persons to represent their respective viewpoints at a face-to-face meeting at University College in London. Both immediately responded without prior conditions and both made it clear that they welcomed the opportunity for such exploratory discussions. Important discoveries were made as to the value each side attached to identity with the whole island, and the strong mutual desire to be independent of the external pressures of Greece and Turkey. When the United Nations reentered the scene, there was a reversion back to the legal bargaining processes over rival constitutions, within the traditional framework of a central authority in which power would be "shared." In a recent initiative, the secretary-general of the United Nations has tried to mediate on this same power-sharing basis and without success. There are alternatives to power sharing, zonal systems of various kinds, that meet the needs of all parties. These will be discovered only by an interactive process in which the parties consider each other's values and needs. The Greek Cypriot perception that Turkish Cypriots want a separate state could prove to be a false one.

Yet another test was in relation to Zimbabwe. During the Lancaster House negotiations a scholar of Rhodesian origin working in Britain, who happened to be familiar with facilitating processes, was attached to one of the delegations. It was his view that it was inappropriate to enter into negotiations about a constitution until the tribal problem had been analyzed and some agreement reached on the type of constitution or constitutions that were required. At that time the two leaders of the tribal parties now in conflict were staying at the same hotel, and they and their staffs were interacting effectively. However, overriding these considerations, Lord Carrington presented a draft constitution which presupposed the inevitability of a unified political system and the desirability of a central authority. Even during the discussions it was predictable that the outcome would be tribal conflict.

These case studies demonstrated that it is not possible to impose cultural or national values on others, that solutions to conflictual problems must come from those concerned, and that these are likely not to conform with the political philosophies of greater powers.

Is a Practical Synthesis Possible?

The contending approaches being discussed cater to different political needs. The power approach addresses the political realism of state power, which in the short term can be effective and which, in any event, appeals to elites and leaders as the most direct means of achieving their goals. The values approach addresses the political realism of identity power that state power cannot, in the longer term, suppress, short of massive genocide.

The two approaches need, somehow, to be synthesized and pursued together in ways that do not prejudice the goals of either. Positive steps toward conflict resolution can take place only when people feel secure; yet the struggle for security is likely to prejudice the pursuit of conflict resolution. This is the dilemma. This is why both approaches must be used simultaneously and as complementary.

Many principles of a synthesis suggest themselves. Some of the main ones would appear to be the following:

(i) Where there are important values at issue, as distinct from negotiable interests, the use of coercion or pressure in any form to force an opponent party to compromise is likely to be dysfunctional in that it will tend to promote protracted conflict, even after a settlement.

(ii) It is only in respect to interests—quantities, roles, advantages, privileges—that power bargaining has a role. Moreover, it needs to be noted that in a power-bargaining situation negotiators frequently claim that their interests are non-negotiable. Also what appear on the surface to be interests frequently are a manifestation of some basic fears and values that have not, because of the requirements of bargaining, been admitted, perceived, or defined.

(iii) Because of the inherent complexities of interests and values there should always be a pre-negotiation stage, preferably at an unofficial level, at which there can be a free analysis of the total situation so as to differentiate values and interests, and so that there can be an exploration of possible options within the limits imposed by defined values.

(iv) For the same reasons the use of third parties as facilitators should be considered as a normal procedure, even at official negotiations

(v) Negotiators should be trained, not primarily in the process of bargaining and "winning," but to insure that negotiation conducted in the absence of facilitators follows the same analytical processes and rules of procedure that would be observed if there were facilitators.

(vi) Encouragement should be given to regional international organizations and to the United Nations and its agencies to take initiatives in bringing parties together, informally at first. This should help to overcome the dangers seen by parties as inherent in their being the first to seek a non-confrontational outcome: that is, being seen to be admitting economic and/or political defeat.

(vii) When negotiation is between governments, there needs to be an awareness that state power is likely to be finally at the mercy of identity group power. There is a need to avoid settlements, even when authorities are prepared to accept them, that cannot be implemented and may lead to conflict within the state concerned.

(viii) These, being principles of negotiation, apply to all conflict situations, particularly to apparent power conflicts where the negotiating parties are more concerned to stress their power positions than to reveal their domestic concerns, their values, and their fears.

In the final analysis what is sought are processes that do not depend on leverage, ripening, and the windows of opportunity associated with the "art of the possible." We seek processes that are effective in resolving conflicts even before paying the price and taking the risks of ripening, and despite the absence of windows of opportunity. Courts failed us, arbitration failed us, shuttle diplomacy by powerful states failed us, mediation in the sense of third party proposals failed us. We now have a clearer idea as to why and a better picture of the requirements of the processes we seek. They must reveal the hidden data of motivation and intention and, therefore, they must be analytical. They must not be mandatory and must leave decision-making in the hands of decision-makers right up to the moment of agreement. They must avoid leverage and political pressure. They must allow parties to assess the consequences of their policies in advance of incurring these costs, and to arrive at options that emerge from their own analysis of their needs and values. In short, they are pre-negotiation processes which offer the "formula," leaving for the formal negotiation process only the negotiation of interests affected by the agreement in principle. The Panama case demonstrated that pre-negotiation and negotiation can be combined when negotiators deliberately seek and are sensitive to the hidden data of motivation and values.

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CHAPTER VII

THE ICEBERG PRINCIPLE: SECRECY IN NEGOTIATION

Thomas R. Colosi

Part One: Characteristics of Negotiation

In an article that appeared in the August 18, 1985, issue of the *New York Times Magazine* entitled "The PLO in Exile," Judith Miller, chief of the *New York Times* Cairo Bureau, wrote:

> On a crisp day last February, a small group of men, once bitter enemies, sat around King Hussein's dining room table in the Nadwa Palace, in the Jordanian capital of Amman.
>
> They had argued for weeks over the document they had drafted, over weighty issues that sometimes hinged on the addition of a word, the deletion of a comma. At several points, Yasir Arafat, chairman of the Palestine Liberation Organization, had threatened to abandon the effort. At other times, Hussein had indicated, he wanted Arafat to leave.
>
> But finally, after two months of *secret meetings* (emphasis added), they reached agreement. Jordan and the PLO, 15 years after their bloody civil war, devised an accord outlining the principles of a joint bid for peace with Israel.
>
> The agreement, announced February 11, was a milestone. For the first time ever, the PLO's leadership accepted the notion of a negotiated solution to the Arab-Israeli crisis—without mentioning armed

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> struggle. For the first time it appeared to relinquish its claim to an independent Palestinian state in favor of a state federated with Jordan, and committed itself to being part of a joint Jordanian-Palestinian delegation at new Middle East peace talks.
>
> For the first time, too, the PLO had endorsed all United Nations Security Council resolutions dealing with the Arab-Israeli conflict, including, implicitly, Resolution 242, which recognizes Israel's right to exist "within secure and recognized borders" in exchange for return of the territories that Israel has occupied since the 1967 war.
>
> Arafat has not explicitly endorsed U.N. Resolution 242. But neither did he object when Hussein, visiting the United Nations last May, insisted that the PLO had accepted that resolution. Arafat's silence has thus been widely construed as affirmation.

The article continues to chronicle events leading up to February 1985 and attempts to analyze the implications of this momentous event with such important opportunities and problems involving all parties concerned. But what does this have to do with an analysis of the negotiation and/or mediation efforts involving the Panama Canal, the Falklands/Malvinas, Cyprus, and Zimbabwe?

We only can analyze what we are allowed to know, and, in any given negotiation, what we are allowed to know is controlled by the parties, either jointly or severally, and usually by mutual agreement. The negotiating parties seek to manage not only the *substantive* aspects of the negotiation and all parts of the negotiated solution (assuming there is one), but also the *process* through which the negotiated solution is reached. In her article, Ms. Miller was hampered by the same obstacles to analysis and evaluation faced by me and others writing on these case studies, i.e., privacy and secrecy are necessary characteristics of the negotiation and mediation processes. The more difficult the negotiation, the greater the perceived need for privacy and secrecy.

I call this the "iceberg principle": negotiations are analogous to icebergs in that negotiators usually keep private nine-tenths of what really happens in a difficult negotiation.

Some Fundamentals about Negotiation

1. The negotiation process is a decision-making process.
2. The essence of a negotiation is that it provides oppor-

tunities for the parties to exchange commitments or promises through which they will resolve their disagreements and reach a settlement.

3. Ninety percent of the negotiations take place in the last ten percent of the time allowed, emphasizing the importance of a mutually credible deadline.

4. The negotiation process, except in U.S. labor relations law, has few rules of procedure. Rules of procedure are as much a product of negotiation as the substantive issues and are, of course, negotiable.

5. Goal, strategy, objectives, and tactics are situational.

6. In the vast majority of negotiations the lion (stronger party) will get the lion's share, and the lamb (weaker party) the lamb's share, assuming a shared criteria for strength and weakness. It is rare that parties to a negotiation have equal power. Sometimes, however, strength is a matter of perception: if one party *perceives* the other as the lion, the other party *is* the lion for that particular negotiation.

7. Negotiators mediate and mediators negotiate.

8. Parties to a negotiation may agree to the same solution for entirely different reasons.

9. Parties to a negotiation are not only those negotiating "across the table" (horizontally). Parties also negotiate within the team at the table or in caucus. Negotiations also occur between the "table team members" and their respective decision-makers (vertical authority), and also within the vertical authority as it attempts to decide upon directions to give the team. A three-party negotiation is more than just arithmetically or geometrically more complex than a two-party model, since two of the parties may agree on a particular issue and disagree with the third party, while on other issues the parties may change allegiances depending on the issue . . . and so on.

Communicating and Creating Trust

10. Parties to a negotiation will find it difficult, if not impossible, to exchange promises or commitments with each other if they do not trust each other to deliver on the promise or commitment.

11. When trust is low or non-existent in a relationship, the parties find it difficult to communicate their expectations.

12. When communication is problematical in a relationship, parties do not listen effectively to each other as each states

its expectations, problems, interests, alternative solutions, demands, and proposals or counterproposals, and its rationale for any of the above. Ineffective listening due to poor communication creates problems in understanding.

13. When effective listening is absent or weak in a relationship, it is not possible for each side to educate the other as to its interests and the viability of its positions. That kind of education is one of the most constructive activities of negotiation.

14. When it is allowed to occur within the context of a negotiation, education is the most important way for the expectations of the negotiating parties to be managed or lowered—*if* the parties are listening to each other. Understanding the equation between expectations and proposals is critical to the bargaining part of negotiation. If an expectation cannot be lowered, a proposal that fails to meet that expectation will either be rejected or accepted reluctantly, with the result that one can assume difficulties in the implementation of the agreement. If the expectations can be learned and understood, an opportunity is afforded either to raise the proposal to meet that expectation or work to lower the expectation within the proposal range or both.

Creating Doubts and Uncertainties

15. The basic job of all negotiators, if the parties do not agree with their positions, is to create doubts and uncertainties in the minds of others as to the viability of the other parties' positions. The activity of "doubt creation" is central to the art of persuasion. The "doubt creation" activity is either a positive or negative act, depending on the intent of the party. *The best way to create doubts is through education (if others are listening).* If the other parties agree, for all intents and purposes, the negotiator can relax and focus on how verbal promises and commitments can be reduced to writing (this usually involves a second negotiation).

In the case of a disagreement, the negotiator wants a behavioral change from the other party (whether "the other party" sits at the table on the negotiator's own table team, or is the negotiator's own vertical authority, or the other side's vertical authority). The behavioral change will eventually coincide with, or agree with, the negotiator's approach or position. This behavioral change will be evidenced either by a change in proposal or presentation of a new counterproposal.

16. Before a party will change its behavior, it must change its mind-set. Prior to a change in mind-set it must doubt—or feel uncertain about—its mind-set. If the party's own team (with all *its* factions) or its own vertical authority (with all its factions) cannot create sufficient doubts in the minds of the negotiators to cause them to change their proposal to harmonize with the other party, then it is the negotiator's job to create those doubts and uncertainties to initiate the chain of change from modification of mind-set to change in proposal (counterproposal) and then to agreement.

17. Negotiators must create trust and confidence in the minds of others to provide a basis for creating doubts and uncertainties. Negotiators who are not trusted (even when discussing a threat) will not be given the time of day, let alone time and opportunity (vulnerability) to have doubts created.

18. The most effective way for negotiators to create trust and confidence and hence to create doubts is to be themselves, since many of the most difficult negotiations are handled through a one-on-one summit meeting, such as a "walk in the woods," by two people with some degree of trust in each other.

Facts and Non-Facts

19. Negotiators create both "facts" and "non-facts" by mutual agreement. In negotiation an unchallenged assumption usually becomes a "fact" (for that particular negotiation). That explains in large part why secrecy is essential in the conduct of many difficult negotiations. Assuming settlement, the parties will then concentrate on how to explain the "facts" and "non-facts" in a way acceptable to interested others.

20. In a trial (court/administrative law procedure/arbitration) the basic job of an attorney or a non-lawyer/advocate in arbitration is to create doubts in the mind of the third party decider-of-fact (judge, jury, ALJ arbitrator) as to the viability of the other advocate's position or theory of the case "beyond a shadow of a doubt" (or whatever quantum of proof is appropriate). In a trial advocates are limited to supporting their theory by offering their perception of facts supported by evidence that the advocates hope the third party decider-of-fact will accept as proof of the facts alleged.

In the negotiation process, however, the deciders-of-fact (and perception) are sitting across the table from each other. While trial procedure is oriented to facts in an effort to establish "the truth of the matter," in a negotiation process "the truth of the matter" is whatever the negotiators agree it is, as noted above. Negotiators may take scientifically/legally/historically provable facts and render them "non-facts" if the "facts" create problems for the negotiators as they attempt to settle their dispute. Further, if negotiators disagree among themselves as to what constitutes fact, then for those negotiators in that negotiation the "fact" is not a fact simply because of the disagreement.

21. Since many disciplines rely on facts for decision-making, the consternation and frustration by individuals who base decision-making on scientifically- and legally-created logic is understandable. In a negotiation, decisions are reached not so much on legal, scientific, or historical ground as generally understood, but rather on "facts" as the negotiators understand and perceive them.

The Importance of Privacy

22. Since negotiators during the negotiation process rely on their own perceptions and agreements with their opposites to establish "facts" in support of their decisions, they have a profound need for privacy. Nearly 80 percent of the cases filed for suit in the United States are not adjudicated by a judge and jury, but are settled out of court without unnecessary public disclosure, emphasizing the importance of privacy in this process even in legal negotiations. The large number of grievance settlements through labor relations (obviating the need for arbitration) and the large number of insurance claims adjusted through negotiation underscore not only the frequency of the activity, but also the importance of privacy in the settlement of disputes.

23. Since privacy is such a critical and essential characteristic of the negotiation process, the actual events during a high-stakes negotiation are seldom known, either during or after the fact. The only available information is whatever the negotiators reveal. Many times the negotiators themselves (whether or not they are at the table) are unaware of all of the implications of all that has happened as a result of a given negotiation over the long term.

Do we *really* know what happened between President John F. Kennedy and Premier Nikita Khrushchev to "negotiate" an end to the Cuban missile crisis and all of the long-term implications? Do we really know what promises and commitments were exchanged between the late President Anwar El-Sadat, Prime Minister Menachem Begin, and President Jimmy Carter to bring about the negotiated settlement referred to as the Camp David Accords? How much do we know about what really transpired in negotiations between the United States and Iran to return the 52 hostages in exchange for the utilization of the arbitration process to resolve disputes over $8 billion in alleged Iranian assets? What really occurred between the United States and the fanatical faction of Shiite Moslems in the recent TWA hostage negotiations? In between these "non-negotiators" were Nabih Berri of the more conservative Shiites, President Hafez al-Assad of Syria, the Algerians, the governments of Israel and Iran, the Russians . . . and perhaps others. What really occurred in the various "talks" among all of these parties will probably remain private for some time.

Levels of Difficulty of Negotiations

24. In a negotiation termed "easy," most of the actual negotiation (exchanges of promises and commitments) will take place in a rather official way ("across the table"), with some few matters discussed unofficially, in "side-bar meetings" or telephone conversations away from the negotiating table, with a good deal of the negotiation activity placed on the record and with little necessity for privacy.

25. In a "*difficult*" negotiation, less negotiating activity is placed on the record, for less actual negotiating occurs across the table. More "speechifying," notification, and education take place, but far less actual negotiation. If the negotiation is to succeed, each party must have confidence (trust) that what it agrees to "off the record" will be reflected as per mutual agreement "on the record" at the official negotiation. Mediation may be appropriate in this type of negotiation, with the mediator agreeing to keep in confidence (private to the parties and the mediator) what has occurred off the record. In this type of negotiation, it is important to note that the parties will agree on what is to remain private and for how long, as well as what is to be made available for public consumption.

26. In a negotiation deemed "*extremely difficult,*" a great deal of the actual negotiation occurs off the record by fewer people, perhaps involving mediation, with far less information available on the record for analysis. Less information is available for public consumption as agreed by the parties off the record.

27. A negotiation termed *"impossible"* is characterized by an appearance (perception) that little or no negotiating activity transpires until a breakthrough is discovered by those meeting *sub rosa,* which will open the door to the opportunity to engage in an extremely difficult negotiation, with the characteristic noted immmediately above. If the parties really have the will to reach agreement, the negotiation will move to a point whereby the parties begin a "difficult negotiation" with its aforementioned characteristics. Continued determination to reach a negotiated settlement offers an opportunity for the parties to move into an "easy negotiation," noted above.

28. The difficulty level of a negotiation is not static. Negotiations can be more or less difficult, depending on external and internal elements, which range from events that depose or weaken a leader to a real personality problem between the principal negotiators at the negotiating table.

29. The more difficult the negotiation, the more expertise is required of the negotiators. The four cases reviewed in this volume and the TWA hostage return are cases that at critical periods of time were designated either "extremely difficult" or "impossible," since all involved issues of sovereignty, the basis for affording a nation independent decision-making.

Part Two: Analysis of the Four Case Studies—Sovereignty by Any Other Name...

*Establishing Integrity and Trust: The Panama Canal Treaties**

According to Dr. Margaret E. Scranton's version of the history of the Panama Canal Treaties, the Hay-Bunau Varilla Treaty of 1903 was an example of David Ben-Gurion's famous quotation: "Men have friends... nations have interests." Panama wanted independence from Colombia. Since that was its primary interest at the time, it saw the possibility of gaining U.S. support for independence by agreeing to the U.S. proposal to build the canal across Panama. The Hay-Bunau Varilla Treaty also underscores the point that negotiating parties may agree to the same thing but for different reasons. Although the treaty was admittedly advantageous to the United States, the Panamanian government accepted the U.S. proposal only when its diplomatic representative warned (falsely) that failure to do so would mean withdrawal of U.S. backing for Panama's independence. This is an illustration of how a non-fact (potential loss of U.S. backing) created a situation which caused Panama to accept the conditions of this one-sided proposal and to chafe under its terms for over 70 years.

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*Given my explication of the iceberg/privacy factor, it should be obvious that I perceive that I am analyzing just the one-tenth of each case that the negotiators and/or mediators have allowed to be revealed. The only exception is the first case, the Panama Canal Treaty. The late Ambassador Ellsworth Bunker participated in the symposium on the Panama Canal Treaties and explained for the first time a good portion of the nine-tenths that usually remains hidden.

From 1903-1955 several renegotiations of the 1903 treaty took place that dealt with differences in interpretation and application of the treaty on a piecemeal basis, but Panamanians continued to believe that sovereignty was not being recognized by the United States. According to Ambassador William J. Jorden, "Operation Sovereignty" was a fairly peaceful demonstration to supplement a written request from Panama to renegotiate the 1903 treaty *in toto.* In the absence of a demonstrated willingness on the part of the United States to renegotiate the entire relationship, tension increased tremendously. The tension was demonstrated through incidents ranging from skirmishes over which flag should be flown, to the 1964 riots in which twenty Panamanians and three U.S. soldiers were killed, resulting in severence of diplomatic ties. Obviously the parties disagreed on process as well as substance. The situation appeared impossible, which afforded an opportunity to explore (off-the-record) whether diplomatic relations could be restored.

According to Ambassador Jorden, "After three months, President Lyndon Johnson agreed that what was needed was not another patchwork accommodation, but an entirely new treaty to replace that of 1903." Thus, President Johnson laid the cornerstone of a successful negotiation by agreeing with the Panamanians that the *process* of negotiations would no longer be piecemeal, but a full-agreement approach.

The late Ambassador Bunker then described important *sub rosa* activity which occurred at the F Street Club through a series of one-on-one lunches and dinners involving a few people. Ambassador Bunker talked about the importance to successful negotiations of parties working to enhance their relationship, increase their trust, improve communication, listen to each others' interests, points of view, and expectations. All this worked to begin the treaty process.

Despite these intensive efforts by Ambassador Bunker *et al,* the "window of opportunity," (the moment when the parties to a negotiation desire closure at the same time) remained closed. From 1964 to 1967 *parts*, or factions, of both sides wanted agreements on the following issues: administration, maintenance and operation of the Canal; defense of the Canal; and a new sea-level canal to replace the old waterway. However, other parts or factions, including President Johnson and General Omar Torrijos, were not ready to close.

Although Panama invited the United States to renew negotiations in 1970, the official negotiations lacked real momentum—again, because key parties such as President Richard M. Nixon and General Torrijos were not sufficiently interested in closure at the same moment in time.

Ambassador Bunker, operating in the interests of all who wanted closure, moved to negotiate an eight-point draft agreement which literally fit on one page. In 1974, it afforded him an opportunity to have important "others" reflect on these eight points, which would become the formal agreement in 1977, some five long years later.

Ambassador Bunker did several other things also worthy of note. He moved the negotiations to Contadora, an isolated vacation resort, away from media attention and overt pressure from vertical authorities of either side. He accepted the invitation of the president of Panama to use the presidential yacht for the negotiations—hence, good-will was evidenced by both men.

It was his belief that "the most important element . . . in any negotiation is that of integrity and trust, to nurture the other side's trust in your intentions and your sincerity. Second, putting yourself in the other person's position, seeing what is important to him."

The force of Ambassador Bunker's personal efforts to achieve ratification of the treaty, based upon the above-stated philosophy, included participation in the official across-the-table talks and in the internal team negotiations with vertical authorities on both sides and with the U.S. Senate (directly through personal contacts and through his "barnstorming" approach to influence the American voting constituency). These initiatives were the most critical to the success of the Panama Canal Treaty. Ambassador Bunker understood *all* the dynamics of the negotiation process and left no part of it unattended personally. Members of the symposium cited this negotiation as one of the few instances of successful U.S. diplomacy in Central and South America.

Failing to Use Mediators Appropriately: The Falklands/Malvinas Crisis

The sovereignty of the Falklands has been disputed since 1520. During that time several countries (Spain, France, Britain, Argentina, the United States, and Chile) have been involved in the sovereignty dispute but there has been no agreement on the process to be used to resolve it. Hence, it is not surprising that the problem, like a time bomb, finally detonated.

The closest the parties came to finding a non-military solution followed passage of U.N. Resolution 2056 in December 1965, which called for Britain and Argentina to proceed with negotiations toward a peaceful solution of the problem, bearing in mind the interests of the Islands' population. This resolution attempted to structure a *process* for trilateral negotiations. In 1966 initial talks began, focusing on the conditions necessary for Britain to cede sovereignty. This was the first time that Britain considered sovereignty negotiable (as long as the Islanders approved). Both Argentina and Britain then attempted to "get on the good side" of the Islanders. In November of 1981, however, the Falklands Council voted to freeze negotiations, saying that sovereignty was not a negotiable item.

This trilateral negotiating model was obviously more than 33-1/3 percent more complex than a two-party model. It added one more party to the across-the-table activity and imposed a new internal table team dimension, with another negotiating dimension added between the third "table team" and its vertical authority. Finally, another factor/party was introduced into the vertical authority, the Falklands Council and its constituency. This meant that there was always the possibility that the Falklands Council might side with Argentina or with Britain on some open issues. It is easy to appreciate that the complexity of the negotiation increased exponentially.

In 1982, for reasons which are now unclear, negotiations were called, with sovereignty once again considered negotiable. For reasons equally unclear this approach was accepted by the British but rejected by the Argentine military junta, which subsequently claimed a breakdown in negotiations, increasing the level of tension. Obviously, off-the-record or secret internal negotiations abounded during this period, but it appears that off-the-record talks between the parties either were not held or were unsuccessful.

There are various opinions about what created the shooting war over the Falklands/Malvinas. One school of thought is that Argentina was frustrated to a point where it did not trust the negotiation process to bring about a settlement. Another possibility is that Argentina felt that mediation was necessary but did not believe that any nation or group, except perhaps Peru, could play an effective even-handed mediation role. Secretary of State Alexander Haig's mediation efforts were impeded by the perception that he was not "a neutral" mediator, as an official representative of the United States, a country with obvious historical and current ties to Britain.

The domestic problems of Prime Minister Margaret Thatcher and President Leopoldo Galtieri and their respective military miscalculations also appear to have contributed greatly to shifting the dispute from the negotiating table to the battlefield. Prime Minister Thatcher, governing a country with severe economic difficulties, needed a dramatic victory of the caliber of World War II and not loss of another piece of the British Empire. (Certainly *not* at that time and certainly *not* a military loss.) The world was the audience; the lion had to act like a lion to be perceived as a lion domestically and by Argentina. Prime Minister Thatcher's military miscalculation was that President Galtieri would back off as the British fleet moved to protect British subjects. Perhaps she thought the mediation efforts of Peru and/or the United States would succeed in time. President Galtieri, on the other hand, needed a victory over the Islands to shore up his deteriorating political base in Argentina caused by severe economic dislocation. His military miscalculcation was his belief that the British fleet would never travel 8,000 nautical miles to protect a few British subjects. Perhaps he saw Argentina as the lion in this situation, and a military victory would shore up the military support essential for his administration to maintain control of the country. He had to act like a lion to be perceived as a lion domestically and by England. Perhaps he too thought the mediation efforts would succeed.

My view is that mediation is an extension of the negotiation process. Mediation *per se* doesn't "work" or "not work." Decision-making was left to the negotiators, who failed to use the mediators appropriately. But, again, how do we really know, since well over nine-tenths of this case remains unavailable for in-depth analysis?

Mediation Vs. Meddling: The Cyprus Problem

In Cyprus a different problem of sovereignty emerges: establishing governmental guidelines to satisfy different ethnic groups which share the island since it became a sovereign state. Can the Turks and Greeks, given their contrasting ethnic, religious, and economic interests, co-exist peacefully on Cyprus? Since 1974 the answer to this question in my view has been "probably not." All attempts to mediate a settlement—by the United Nations, the United States, Canada, and Great Britain—have failed. In fact, many of the difficulties on Cyprus and subsequent breakdowns in negotiation are not necessarily traceable to the general character of the Greeks and Turks on the island, but to the involvement of outside parties in this "regional dispute." One may question the outsiders' underlying motives and the appropriateness of their presence in the negotiations. By presupposing certain ground-rules without mutual agreement—most important *equal* power to the primary negotiating parties—the United States and the United Nations may have caused an escalation of mistrust in their attempts at mediation.

In Cyprus a certain asymmetry exists; while Greeks constitute a majority of the island's population, Turkish political influence and economic and military power is much greater in the surrounding region. This power imbalance has led to difficulties in achieving a settlement acceptable to both factions. While the Greeks and Turks have found effective ways to discuss such mutual necessities as the water supply, they have been unable to negotiate a viable and stable system of government for Cyprus, one that would satisfy their own political goals.

After the 1974 coup and de facto partition of Cyprus, the international community made preliminary moves toward intervention, beginning with U.N. Resolution 3212, which proferred U.N. mediation of the dispute. Drafters of the resolution, however, (during *their* internal negotiations) assumed that both parties involved held equal stature. The assumption, while consistent with ideals of democratic politics and good will, simply did not hold true in this situation. By elevating this assumption to the level of a fact (in the absence of an effective challenge), the U.N. resolution changed the actual *circumstances* of the situation dramatically. Creation of this important "fact" stymied the basic goals of the negotiation; any attempt to treat the Greeks and Turks as equals only accentuated their differences. In fact, conflicts over concepts and definitions of such items as "fairness" and "equality" have since been identified as major obstacles to settlement.

U.S. involvement in the Cypriot dispute has included a fact-finding mission by Clark Clifford during the Carter Administration (which classified the dispute as a top priority); participation in the 1978 "ABC Initiative" with Canada and Great Britain; and a 1984 appropriation of $250 million to Cyprus by the U.S. Congress. To evaluate U.S. mediation attempts, one must examine the motives behind its involvement. Surely the desire to protect U.S. strategic interests (given the prime location of Cyprus) have been as important as insuring a legal, ethical, and humanitarian settlement. In fact, the ability of the United States to bring about a settlement in Cyprus has been limited since the United States has a direct stake in the results. Our government may have overestimated its ability to be perceived as a neutral mediator.

In addition American representatives appeared to apply American values and cultural assumptions to Cyprus. After all, they seem to have reasoned, if differing ethnic groups could live together in the United States, surely the Greeks and Turks could learn to adapt to each other's idiosyncracies and come to a mutual agreement. This concept, while somewhat workable in our country, was dismissed as insubstantial because of the long history of Greek/Turkish tension. Because of its unrealistic expectations, the United States was not trusted as a peacekeeper. This lack of trust worked against progress in the negotiations.

As strife continues in Cyprus, accompanied by fruitless negotiations, the United States is seen more and more as a super-power just trying to impose a solution. The United States must achieve a balance between being an effective advocate of a peaceful settlement and of unrealistically forcing the pace of the talks. In attempts to mediate this dispute, U.S. representatives have, on several occasions, appeared to overstep these bounds. As a participant in the ABC Initiatives, the United States, along with Great Britain and Canada, has attempted to revive intercommunal dialogue. Although those talks, running from 1978 to the present, have made slight progress, the mistrust between Greeks and Turks persists. In the meantime the United States has done little to calm underlying fears and concerns that have created mistrust.

Compounding the problem of outside intervention, the actual *method* of negotiation was modeled on the litigation process. The Cypriots, whose primary negotiators were well-trained attorneys, initiated this method, which was continued with the participation of the outsiders. This adversarial "trial" process has eclipsed the "negotiation" process and thus has served to lessen the possibility of conciliation between the Greek and Turkish Cypriots.

Nevertheless, some progress has been made recently, despite the miscalculations and faulty assumptions. At first mistrust predominated, perpetuated by a *lack of secrecy*, which inhibited agreement and constrained flexibility. However, imposition of an effective news blackout (and mediation attempts by various nations) have slowly chipped away at the barriers between the two ethnic groups. Apparently most agreement has occurred on ceremonial issues, while *fundamental* concerns seem to elude the negotiators. However, as in the Panama and Falkland Islands disputes, this may simply be the official position shared with the public. We have no way of knowing whether further promises and commitments have been exchanged in private. The knowledge that Greek and Turkish factions have worked toward a joint solution on the water shortage issue—a mutual concern—lends hope to the possibility that settlement can eventually be reached in other substantive areas. For this goal to be attained it is crucial that the actual negotiations occur directly between the two parties themselves; outside forces should serve in the background as mediators when appropriate and when called upon by *both* parties.

A Question of Sustainability: Negotiating Independence for Zimbabwe

The scenario which led to negotiations concerning Rhodesia/Zimbabwe in the 1970s was similar to the situation in Cyprus: a nation, on the verge of sovereignty, must first reconcile differing views of rival groups *within* the country, hopefully by stifling possible power struggles before they emerge full-force to confront a young government. Three parties had a direct interest in the future government of Zimbabwe: the white minority, which held control at the time of negotiations, and two rival Zimbabwean groups—a delegation led by Bishop Abel Muzorewa, and the Patriotic Front. Political and economic circumstances in Zimbabwe, unlike those in Cyprus, encouraged settlement. In addition, the parties to this dispute benefited greatly from the presence of the British as able and effective mediators.

In Rhodesia, today's Zimbabwe, matters came to a head in 1965 when Ian Smith, leader of the conservative Rhodesian Front Party, oversaw the mockery of Rhodesia's unilateral declaration of independence from Britain. Despite many attempts to mediate a solution, the whites remained adamant and eventually the country was gripped by civil war. By 1979 it was evident that continuation of the war was the *only* alternative to settlement. This realization had a paradoxical effect: it *lowered each party's expectations* of its terms for a peaceful settlement, with the result that all the parties were motivated to continue discussion. This, of course, is a common occurrence during a negotiation.

At this point political developments in the mediating nations turned the tide toward definite progress. First, the U.S. Congress Committee on Foreign Affairs voted unanimously to continue economic sanctions against Rhodesia. Second, Margaret Thatcher and the Conservatives ousted the Labour Party from power in Britain, which resulted in a change of British negotiating representatives and posture. These political developments were not a primary issue of discussion at the negotiating table, but their effect had definite implications for the talks. The change of power in Britain brought about a change in the personalities at the negotiation, and therefore a change in *perceptions* and *expectations* on a person-to-person basis. Consequently the conference model, which had failed in 1976 in Geneva, could serve as a viable forum for all negotiating parties and mediators. The scene was thus set for the 1979 Lancaster House Negotiations.

At Lancaster House the British team, acting as both host and mediator, utilized its substantial knowledge of negotiation, specifically attending to atmosphere and tactics, to bring closure to the Zimbabwe/Rhodesia dispute. The success of the British efforts rested not only on the ability of British negotiators to build trust in their own skills, but within and among the parties as well. Even their choice of representative, Lord Carrington, suggested significant forethought on the part of the newly elected Thatcher Government. Carrington appealed to Britons and whites because of his traditional views and his experience. Zimbabweans, in turn, were impressed by his "no nonsense" businesslike approach.

By slowly inspiring trust and hopes for a peaceful settlement, the British managed to draw the parties into various stages of problem solving and dispute resolution, with each stage more constructive than the last. Eventually a point was reached when no one wanted to pull out.

In the highly conducive setting of Lancaster House, Smith, Nkomo, Mugabe, and Muzorewa were all more open to be educated on each others' positions. Once the issues were presented, the parties realized that the only way out of their difficulties was a negotiated settlement with all its negative and positive possibilities.

In the Lancaster House negotiations the British assumed an interesting role as mediator. In Cyprus and the Falklands/Malvinas declaredly "neutral" mediators decreased—rather than increased—the chance of a settlement, but in the Zimbabwe negotiations the British used their perceived partiality to Muzorewa's factions actually to win concessions from both sides. The British, in analyzing the situation, may have taken such a position because they realized that the history, demographics, and politics of a region can have a great deal of influence on the negotiations. They understood that although whites were a minority, they held the lion's share of power as perceived by blacks and that the blacks in their divided state showed little probability of negotiating as a solid bloc. The British determined correctly that keeping all parties involved was a top priority. Carrington and his associates kept the negotiations going, despite internal fighting and posturing. The mediators made it clear to all parties that they would push for a settlement despite any absences; this threat of a "second class" imposed settlement put continual pressure on the various groups to be present at most of the meetings. This was especially effective because, as mentioned earlier, Muzorewa and the Patriotic Front, as well as the whites, saw the British as a distinctly biased participant.

The following objection may arise at this point: how could a party contribute to negotiations as a neutral force if its convictions are not in fact neutral? At least in the Zimbabwe dispute, open and overt *partiality* was a definite asset to the mediators in dealing with parties who harbored little trust for each other. The important thing was that all parties accepted the British as mediators on *that basis*. The premise used was surprisingly clearcut—the party perceived to be in the mediator's favor, in this case Muzorewa, will have more trust in the mediator and will thus be more open to suggestion. The less-favored party, here the Patriotic Front, will stand to gain much from staying in the mediator's "good graces." In effect, if the Patriotic Front could present its ideas to Britain in a favorable light, Britain might use the trust built with Muzorewa to wrest concessions from the "lion." This is precisely what happened at the

Lancaster House negotiations. Lord Carrington persuaded Muzorewa to relinquish some of his power, toward the goal of fair and free elections. At no point in the negotiations did the British actually promise the Bishop anything, but small concessions on his part were able to achieve that primary goal, which was continued participation of the Patriotic Front. The British were "trusted" by both parties in the key *substantive* areas of dispute and were thus allowed certain *process* liberties on a step-by-step (test-by-test) basis.

In the end, all parties were anxious to ratify the treaty because each thought its own camp could win in a fair election. Furthermore, the terms acknowledged and addressed the concerns of the whites against a wholesale overrun by the blacks, and the concerns of the black majority that its people's status and concerns would be clearly recognized through a fair representation process. Smith, Nkomo, and Mugabe all agreed to honor the points of this constitution, inspired but not imposed by a forceful, yet conscientious, mediator. The ideals seemed solid in 1979, provided that the parties *did* abide by the commitments and promises exchanged.

Unfortunately, the events of June 1985 have cast a shadow over Zimbabwe's once promising future. After only two sets of elections, Mugabe, as chief beneficiary of the British mediation efforts, has served notice that he plans personally to amend the constitution. Apparently, the personality conflict between Mugabe and Nkomo, his rival in the Patriotic Front, was not fully erased. Historical tribal conflict still has far-reaching effects in today's Zimbabwe. Originally there was general consensus that the Lancaster House Agreement encouraged all Zimbabweans to stay, as long as they faithfully accepted the new dispensation of majority rule and no racial discrimination.

In 1981, the first free election was held. Mugabe emerged victorious, after calling for reconciliation with the whites and Nkomo's followers. However, his re-election by a wide margin in June 1985 is being used as an instrument to persecute those who refuse to unite under Mugabe's "political umbrella." Mugabe cites the re-election as a mandate to remove "undesirable elements" (whites and dissidents) from Zimbabwe and to install a one-party state; those who do not like this have been told to "go hang." Apparently the 1979 settlement has merely glossed over the still-simmering tribal divisions that threaten to resurface. Although Mugabe did gain support in both Smith and Nkomo strongholds, these two men together have enough political power to thwart Mugabe's proposed amendments in a parliamentary alliance, assuming the political structure remains at the *status quo*. At this point it is impossible to predict whether further negotiations will be needed to lift the tension. At any rate, it appears that the "successful" settlement of the Zimbabwean dispute may only have been short-term.

CHAPTER VIII

FOUR CASES OF CONFLICT MANAGEMENT: LESSONS LEARNED

Daniel Druckman

In this chapter we ask the question, what is to be learned from the four cases used in this publication? A review of the record of the four cases suggests lessons of value to the practitioner and to the student of international diplomacy. These lessons can be organized in terms of general perspectives that apply to a variety of cases. One perspective construes the activities and processes of diplomacy as roughly sequential: for example, setting the stage (prenegotiation experience), getting an agreement (negotiation), and preserving the agreement (postnegotiation relations). Another perspective considers parties as influences that move progressively outward from a central core. Like layers of an onion, influences can be examined from the "inside out:" for example, local parties, active intermediaries, regional neighbors, superpowers, international organizations/community. The one views processes as unfolding along a time line; the other conceives parties as expanding spheres of influence. Both perspectives are useful devices for organizing the lessons that emerge from the four case studies.

The lessons identified are intended to contribute primarily to the practice of diplomacy. Two aspects of diplomacy, in particular, are emphasized: a negotiation process and the interplay between local and international politics. Both aspects of diplo-

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macy are treated in this chapter. Captured by the "sequential" perspective is an extended negotiation process seen in three of the four cases examined. In each case, the United States sought a negotiated settlement to the conflict. Represented by the "spheres of influence" perspective is an intertwining of local and international politics which is evident in all of the cases. Each conflict was on center stage during its "hot" phases.

While the practice of diplomacy usually includes negotiation, there is a difference of opinion regarding the role of negotiation in conflict resolution. One argument highlights the functions of negotiation, the other emphasizes dysfunctions. From one standpoint, negotiation is viewed as an extended process where resolutions of smaller issues precede the larger, comprehensive settlements. Over time a *managed* conflict evolves into a *resolved* conflict. And this occurs without confronting directly the underlying sources of hostility. But, it is just these underlying sources that must be confronted according to the other viewpoint. Prospects for long-term resolution depend on an understanding of these motives for conflict. Negotiation is regarded by this viewpoint as merely a management tool, not appropriate to resolution. Other techniques, within the genre of track two diplomacy, are considered more appropriate. Interestingly, however, the cases illustrate ways by which the two tracks complement one another; progress made in one track is often seen to encourage progress in the other track. It is the lessons learned about these *connections* that bridge the gap between viewpoints.

The cases also illustrate the importance of a *settlement* made at an official level. Progress made in unofficial efforts must have an impact on the official talks. Arguments made in favor of unofficial diplomacy concentrate on the lack of constraining influences on the parties: for example, participants are less constrained by broad constituencies, by patron states with a stake in the conflict, by regime instability, by third-country mediators, or by the responsibilities of "official" representation. Moreover, the divisive forces that still separate the parties, even at this level, may be easier to deal with: for example, historical antagonisms, ethnicity and values, ideologies, or world views. Indeed, we were informed of the progress made in each case at the level of unofficial diplomacy. Yet, the settlements that were achieved, in Panama and in Zimbabwe, resulted most directly from breakthroughs in the official talks. It is the lessons learned about these breakthroughs that provide a basis for managing the aggravating influences on conflict.

The Case Studies

The cases are noted more for their diversity than for their comparability. Variety is evident on several dimensions. Lessons derive from both successful (Panama and Zimbabwe) and unsuccessful (Falklands, Cyprus) diplomatic efforts, from international (Panama, Falklands) and intra-national (Cyprus, Zimbabwe) disputes, from cases that involved strong mediation efforts (Falklands, Cyprus, and Zimbabwe) and those where mediation did not play a central role (Panama), from cases that illustrate conflict management (Falklands, Cyprus, Zimbabwe) as well as those where a resolution occurred (Panama and Zimbabwe), from conflicts where the United States was a direct (Panama) or indirect (Falklands, Cyprus, Zimbabwe) participant, and from conflicts occurring in different parts of the world (Central America, South America, the Aegean, and Africa). Such diversity makes evident the various contexts for diplomacy, as well as alternative forms of conflict management.

Variety is also reflected in the selection of symposium participants. Presentations were given by negotiators, representatives of participating government agencies, support staff, members of Congressional committees, representatives of international organizations, and track two facilitators. This kind of diversity contributes to the larger picture by providing different perspectives on the same case. Together, the two types of diversity, cases and participants, enable us to develop an expansive list of lessons.

The kinds of lessons identified reflect the case material and the method used to generate them. Diversity produced lessons that are more variegated than concentrated. An inductive strategy based on retrospective analysis yielded insights that are more general than precise. As such, the lessons are likely to apply to many cases where diplomacy is used to resolve international conflicts. They can also be considered as hypotheses to be fine-tuned in a continuing analytical exercise. Ultimately, the lessons would become propositions that had survived repeated tests conducted according to a research design. One product is insights into the relative importance of the various processes and influences. Another is a sophisticated model of the impacts of diplomatic strategies.

The comparative approach *per se* is unlikely to reveal just what factors in what proportions were responsible for success or for failure; however, it can reveal general principles of negotiation. Through comparison and contrast it may be possible to separate the general from the idiosyncratic aspects of cases: for example: Was a particular tactic tried in more than one case? Were the outcomes similar or different? This exercise is made possible by defining concepts that are sufficiently general to apply to cases where circumstances differ. Several "principles" will be shown to emerge from an interweaving of material from more than one case.

A broad scheme for organizing lessons would seem appropriate to the diversity in the case material. The perspectives discussed above are sufficiently elastic to capture different types of lessons. The sequential perspective suggests categories that organize lessons learned about the negotiation process. Highlighted in these lessons is a stream of activities that build toward ripe moments or turning points. The spheres of influence perspective organizes lessons learned about parties, conditions, and tactics. Emphasized in these lessons are the factors that impact on an extended negotiating process. And that process is not limited to official deliberations (track one). Unofficial diplomacy (track two) is also considered a part of the process. These activities influence, and are influenced by, the broader conflict. Whether treated as a tactical intervention or as an alternative to formal talks, track two lessons are very much in evidence in the sections to follow.

Negotiation Processes

In commenting on the Cyprus problem, Richard Haass noted, "Most people could devise a fairly equitable arrangement for Cyprus on the back of an envelope ... the problem is not necessarily getting everyone to agree on the principles of the outcome ... [it] is first to devise a step-by-step process to arrive at the solution and to work out the details of the arrangement ... on Cyprus, the devil is in getting there as well as the details themselves" (p. 122). A lesson illustrated by this observation is that the process of moving toward an agreement is more difficult than envisioning the agreement, or a set of alternative agreements. Problems of process interfere with achieving the envisioned outcome. A number of "interfering" factors are highlighted in this section. So too are factors that facilitate the process of negotiating agreements. Yet despite these alternating currents, the cases make evident the proposition that "it pays to keep plugging away."

Functions and Dysfunctions of Negotiation

Five reasons are suggested for maintaining a negotiating forum. One reason, illustrated by three of the four cases, is that a ripening process is fostered by continuous negotiation. The chronology of Panama between 1955 and 1976 can be described as a succession of failures which eliminated alternative formulae, leaving the parties finally with a satisfactory definition of their relationship. Similarly, the earlier failures to negotiate a settlement to the Zimbabwe problem kept alive the prospects for an eventual agreement. And, a series of diplomatic initiatives on the Cyprus problem, beginning in 1978, revealed a ripening process that culminated in the comprehensive proposals of 1981. This process enabled negotiators in the successful efforts, Panama and Zimbabwe, to take advantage of ripe moments when they became apparent. Continuous negotiation over a Canal treaty enabled the negotiators to narrow the terms of trade so that they could be combined into a satisfactory package at the end. Continuous negotiation over Zimbabwe independence helped to resolve a major conceptual problem by convincing Smith of the need to accept the concept of majority rule. These "moments," once recognized, however, are merely opportunities to be exploited by appropriate tactics (compare Panama and Zimbabwe with Cyprus).

Early failures and interim solutions are part of the ripening process. While not accepted by the parties as settlements, these early proposals often become a basis for drafting the more-acceptable later provisions. An example is the legacy of the rejected framework proposals offered by the United States to the parties in the Cyprus dispute. Elements of these proposals found their way into documents prepared for later conferences, including the most recent initiative taken by the U.N. secretary-general. Another example is provided by the Kissinger initiative of 1976 and the U.K.-U.S. effort of 1977-79 to resolve the "Rhodesian problem." More than keeping alive the prospects for a negotiated agreement, these attempts became a framework for the papers drafted by the British team at Lancaster House. These examples suggest that the negotiating procedure of producing successive drafts is a concept that extends well beyond a single conference.

A third advantage of continuous negotiation is that it provides a learning experience. Negotiators gain familiarity with the process and with the players. Panamanian negotiators viewed the process as mutual education and analysis. The approach taken was oriented more toward problem solving than toward manipulative tactics. Analytical exercises for building packages and for managing complexity were emphasized by the U.S. delegation. Over time, the negotiators increased their understanding of the dimensions of the problem. They also developed a "what-if" approach, described by Dolvin, used with the Panamanians for resolving territorial disputes. Not only did the negotiators gain familiarity with the issues, they also became familiar with each other. Familiarity is evidenced by the occasional anecdotes told by negotiators about the idiosyncracies of their opposite numbers. Such familiarity was fostered as well by team continuity, a factor to be discussed below.

A policy of negotiation can serve to prevent governments from taking military decisions. Negotiation allows for the possibility of a political solution. It provided the British government an excuse to delay taking military action to defend the Falkland Islands. Without ongoing negotiations, the political process within governments is more likely to be replaced by military control over policy. Negotiation provided momentum for the political forces in Rhodesia/Zimbabwe as well as visibility for the political leaders Nkomo and Mugabe. In the case of the Falklands, the process delayed what seemed to be an inevitable confrontation. In Zimbabwe, the process culminated in a nonmilitary solution to the problem.

Less apparent perhaps is a fifth advantage of continuous negotiation. An ongoing forum makes possible connections between diplomatic tracks. Progress made in informal tracks is more likely to influence an ongoing negotiation than one that is intermittent. An example of connections between tracks is reported in the Zimbabwe case. The final conference was influenced by three track two achievements: the creation of a favorable atmosphere, the building of trust and friendship among participants, and new perspectives on the conflict. Viewed as a separate endeavor, the informal experience is not likely to have a noticeable impact on the negotiations. Viewed as a part of the total diplomatic effort, the informal experience is likely to have an influence on the course of the official deliberations.

The discussion above suggests a first proposition:

1. A continuous negotiation process increases the likelihood of settlement. An ongoing negotiation can: (a) foster a ripening process leading to ripe moments; (b) produce interim proposals that provide a framework for later, more comprehensive solutions; (c) allow negotiators *to gain experience with the process and with the players; (d) serve to prevent military actions, and (e) make possible connections between diplomatic tracks.*

Yet, despite these advantages of a continuous negotiation, arguments can be made in favor of disbanding the process. Emphasizing dysfunctions, the arguments take two forms: the process *in general* is not oriented toward long-term resolutions; a break-off of an ongoing negotiation is useful in certain circumstances. Burton argues, in his chapter (see pp. 229-241), that negotiations conducted within a power/bargaining leverage framework can be effective only in the short term, because problems are not resolved, they are suppressed. Citing the long negotiating period in the case of Panama, Burton notes that the governments finally arrived at a settlement that could have been achieved 75 years earlier. Two disadvantages are highlighted: the long, ripening process is costly, and underlying sources of conflict remain unresolved. Needed to offset these disadvantages is an analytical approach that recognizes sources of conflict (values, needs, ethnicity), gets behind the legalisms, and distinguishes between *interests* of elites and *needs* of people. While this approach was taken in the track two efforts reported for three of the cases, it was evident, to some extent, within the negotiating process in the fourth case. Panamanian negotiators recognized the value of the approach and incorporated, *as part of the process*, analytical ("what-if") exercises.

A second proposition is suggested by the above discussion:

II. A continuous negotiation process, within a power framework, decreases the likelihood of long-term resolutions; resolution depends on dealing with sources of conflict which may not be items for trade.

Settlements, even if short term, are not the result of continuous negotiation *per se*. More likely, they are the result of timing, knowing when to negotiate and when *not* to negotiate. An extended impasse is a reason for termination. The interval can provide the time needed for a change in circumstances. Propitious circumstances include a change in the power equation toward equality, a more stable political situation, a recognition that the stalemate hurts, and a renewed appreciation for the negotiation process. These conditions favor compromise. And, they are likely to develop outside of negotiation: for example, a changed balance of power following the Turkish invasion of Cyprus, the recognized deterioration of conditions in Zimbabwe, and a resumption of negotiations after the demonstrations in Panama. But, conditions are not always made ripe by actions taken outside of negotiation. The recurring political instability in Greece and Turkey continues to cause a policy paralysis unaffected by attempts made by the United States to exert influence. The Falklands war has not led to a negotiated settlement: for the winner, the issue is resolved (the British are prepared to discuss normalization); for the loser, the key issue is not resolved (Argentina prefers to talk about sovereignty).

A third proposition is suggested by this analysis:

III. A continuous negotiation may serve to perpetuate impasses; deadlocked talks benefit from termination if the period of separation results in circumstances more favorable to compromise.

Team Composition

Continuity of a negotiation process does not necessarily imply continuity of the negotiating team. Indeed, frequent changes were made in three of the four cases. Team continuity builds on the progress made in the past or perpetuates its absence. Opposite-number negotiators are familiar with one another, they have developed an understanding of the issues, and, in the case of new administrations, a signal is sent indicating support for the team. The Panama case illustrates advantages of team continuity. Signals of support by President Carter were sent to both the Panamanians and the Congress. In addition, by keeping an experienced and respected team, Carter availed himself of their "services" to educate his administration on the problem. (Contrast this decision with the administration's behavior on SALT II: continuity worked to their advantage on Panama; change worked to their disadvantage on SALT.)

The negotiations on Zimbabwe independence suggest that a change of teams can, in some instances, be advantageous. Driven by face-saving concerns, previous negotiating teams remained committed to untenable positions. A change in British administrations enabled the new government to release itself from the previously stated positions and commitments. A new team was the excuse and the solution: they were not marching to instructions of an earlier administration. The new positions were the basis for continuity as the process ripened toward the final comprehensive settlement.

The above discussion suggests the following propositions:

IV a. Negotiating-team continuity can facilitate the negotiation process when progress is being made: it serves to build upon the progress made in the past while signaling support by the administration for the process.

IV b. Negotiating-team change can facilitate the negotiation process when the talks are deadlocked: it can serve to release a government from previously-stated commitments to non-negotiable positions.

Another aspect of team composition was similar for the two successful cases, Panama and Zimbabwe. In both cases the head of the (American or British) delegation had direct access to the top levels of his administration. For Panama, this had the effect of keeping the Carter Administration involved at the level of details; it also encouraged Torrijos to be involved in the process and to take seriously proposals made by the Americans. For Zimbabwe, this had the effect of conveying the impression that the British administration was serious and would do whatever was necessary to achieve a settlement. Access enabled the negotiators to influence the perceptions and evaluations of their country's political administration. More than this, the fact of high-level participation per se affected the perceptions of the other country's administration. In addition, access increases efficiency by removing, to some extent, the impact of bureaucratic politics on the process. These advantages can be stated in the form of a proposition.

V. Negotiators with access to top-level members of the administration are likely to be more effective than those who must operate through bureaucratic channels: access serves to keep the administration involved in the process, creates perceptions of effectiveness, and reduces the interfering effects of bureaucratic politics.

Official Positions

The success of the Panama negotiations was due in part to the skillful management of bureaucratic interests by both negotiating teams. Most notable perhaps was the tacit collusion between the teams to prevent last-minute maneuvering by their governments to reopen old issues. Politics tends toward reinforcing claims and positions rather than areas of agreement. This is also illustrated by the Falklands and Cyprus cases. An Argentine proposal, made just before the war, for a timetable on negotiations for sovereignty was accepted at the negotiating level but rejected by a higher level of government. The two governments were committed to contrasting principles (sovereignty vs. minority rights) deeply embedded in their respective cultures. In Cyprus, competing claims by parties with a stake in the outcome were reinforced at two levels. Vested interests of the Cypriot leadership on the one hand, and by the patron states on the other have stalled progress in negotiations. Attempts to treat the issues in legal terms and to manage the conflict through interventions of international organizations have masked the deep feelings of resentment between the communities.

Lasting settlements may well depend on resolutions of underlying issues, as well as the feelings that accompany these issues. Official positions can interfere with attempts to address issues at this level. One alternative is to reduce the conflict to its lowest level in terms of the parties. Another is to develop a second track of diplomacy. Efforts along these lines have been made and were described for three of the four cases. Optimistic conclusions were drawn from the experiences: hostile attitudes were reduced and increased understanding was obtained. Yet, despite these achievements, the conflicts endured; track one solutions eluded the negotiators. The problem is one of transfer, due in part to a paradox of informal diplomacy; it works *best* with non-official parties, but has *less* influence on resolution to the extent that official representatives are not part of the process. The successes obtained in track two must translate into changed perspectives at the official level. Connections between the tracks, as noted above, could facilitate transfer. One result would be a reduction of the constraining effects of official positions on local community behavior. Another would be converging interests as the negotiation process unfolds.

Two propositions are suggested by the discussion in this section:

VI a. Official positions interfere with a negotiating process by reinforcing competing claims for a settlement.

VI b. Settlements may be easier to achieve at local, non-official levels; these settlements facilitate the formal negotiations to the extent that they affect perspectives of official representatives.

Negotiating in Stages

Stages provide a structure to a negotiation process. The structure is an unfolding drama with a beginning, middle, and end. Clearly, Panama could be depicted in terms of stages: laying the groundwork (1971-1972), Declaration of Principles (1974), threshold agreements (November, 1974), resolution of internal conflicts in the U.S. (1975-1976), and ratification period (1977-1979). Transition from one stage to another was marked by turning points such as when conceptual agreements opened the way to a discussion of technical issues or when a sequential discussion of the issues moved to a discussion of combinations of issues evaluated as alternative packages. These transitions provided a momentum that built toward an agreement. They provided benchmarks for identifying ripe moments. Taking advantage of these "moments," however, entailed tactical maneuvering done in both formal and informal settings.

Another version of the stage concept is managed diplomacy. Here, the sequence is produced by negotiator control over the process. Carrington's step-by-step procedures at Lancaster House is an example. The issues were grouped under three headings, and the parties were required to reach agreement on each group of issues before proceeding to the next. The order was from relatively easy (the constitution) to hard (the cease-fire). This procedure proved to be effective because of successive commitments: the more they agreed on, the more difficult it was for them to walk out. The commitments were a result of staged progression where connections were made between earlier and later resolutions.

The key ingredients to staged progression are careful planning, control over the process, and seizing on ripe moments. These elements were missing in the Falklands and Cyprus cases. Missed opportunities and lack of control over the process turned a discussion of issues on the Falklands into an exercise in crisis management. Procedural mistakes prevented Cyprus negotiators from making the transition from resolution of minor issues to discussion of larger issues in a comprehensive settlement. Missing was the kind of planning that would prevent attempts to extract concessions on large issues for concessions on small issues, as well as sufficient flexibility to allow a failed comprehensive negotiation to revert back to a discussion of smaller issues.

The discussion on stages suggests the following proposition:

VII. A negotiation process that progresses in stages, with earlier settlements being a basis for later agreements, is likely to be more effective than a process designed primarily to manage crises.

This proposition concludes our treatment of negotiation processes. We turn now to an examination of the influences on negotiation and conflict management.

Influences on Negotiation

Influences are the factors that drive a negotiation process toward settlements or toward impasses. They are the various *parties* with a stake in the process and outcome, ranging from direct participants to international organizations. They are the *conditions* surrounding a negotiation, including the immediate setting and the international climate. And, they are the *tactics* used by parties and mediators at each of three stages: getting the parties to a table, keeping them at the table, and sustaining the agreements reached. Each type of influence can facilitate or interfere with the process: some are under the parties' control, such as choices about agendas, settings, and procedures; other factors are beyond the parties' control, such as the international atmosphere, domestic conditions, and the other sides' bureaucracies. Each of these various types of influences is considered in this section.

A number of influences are highlighted by the cases. However, it is difficult to determine, with precision, the impact of these influences on the negotiating process. This is due largely to the relationship between influences on negotiation and the process of negotiating. That relationship is complex and dynamic: Factors that affect the process, to the extent that they can be traced, may produce a new situation that requires different procedures or tactics. The tactic of intentional ambiguity, used in the Panama case, provides an example. While ambiguity may be a useful tactic for getting an agreement, it is less useful for sustaining the agreement once reached. Differing interpretations of the treaty can produce accusations that the *other* is violating the agreement. One consequence is new negotiations intended to develop more precise treaty provisions. Here, the tactic of ambiguity gives way to a desire for precision brought about by the *effects* of ambiguity. While acknowledging this chain of causal reasoning, we leave aside the issue of impacts, noting that these may be easier to trace in the short run (e.g., sustaining the process *per se*) than in the long run, (e.g., the broader relationship between the parties).

This section is organized in terms of sequence and influence. (See the two perspectives introduced earlier.) First, we consider the factors that play a role in the decision to negotiate: for example, the international atmosphere at the time of the Canal negotiations, domestic conditions in Zimbabwe, and the role played by the press in most cases. Second, we consider factors that keep the process going: for example, changing venues in Panama and Zimbabwe, alternating procedures in Cyprus, agenda and issue manipulation in the Zimbabwe talks, and mediation, biased or unbiased, in most of the cases. Finally, lessons are developed about how an agreement may be sustained. These include maintaining public support for the treaties and implementation mechanisms (Panama), designing a strategy for insuring Congressional support (Panama), and the skillful use of commitment tactics by a third party (Zimbabwe).

Conditions for Negotiation

A desire for a change in the status quo is usually a precondition for negotiation. It may also be a precondition for war. Two of the cases, Panama and Zimbabwe, illustrate the former; the Falklands case is an example of the latter. These cases suggest lessons about the conditions that lead to serious negotiation on the one hand, and to war on the other. Insights concerning preconditions are of special value. They contribute to a literature on negotiation that has paid more attention to the process of negotiating than to the conditions for negotiation.

Panama and Zimbabwe were cases in which a ripening process culminated in a final dramatic negotiation. The move to serious negotiation coincided with particular circumstances. The Panama negotiations occurred at a time when world understanding shifted from an emphasis on force to a need for conciliation. The negotiations benefited from this change. Recognizing a world-wide trend away from colonialism, the United States became more sensitive to Panama's expressed need for independence. By making the talks a top priority, the Carter Administration translated concepts into action. Helped by a confident Panamanian head of state, the two countries cooperated in the conceptual transition and prepared together for the lengthy process of negotiation and ratification that would eventually prove rewarding.

A proposition summarizes the importance of atmosphere:

VIII. The international atmosphere influences decisions to negotiate to the extent that both (all) parties recognize and take advantage of the developments.

Unlike Panama, the negotiations over Zimbabwe independence illustrate a ripening process through progressive deterioration. Davidow noted how the objective circumstances had changed from 1976 (the Kissinger initiative) to 1979 (Lancaster House). Several aspects of the situation made it too costly not to negotiate: a military stalemate, perilous economic conditions, and potential regional instability. Together, these factors produced a "hurting stalemate" that was recognized by Carrington. However, a deteriorated situation *per se* may not be a sufficient condition for negotiation. Domestic instability contributes to an inability to make concessions, as is illustrated by the 1974 crisis in Cyprus. It may also lead to war as embattled administrations seek diversions. Clearly, the Argentine administration sought to divert attention from its own unpopularity on the eve of the war over the Falkland Islands.

What then accounts for the different decisions taken in these cases? Two dimensions of difference among the cases may be critical. Unlike the Falklands, the parties in Zimbabwe were affected equally by the deteriorated conditions. Each party responded to pressure from the front-line states for a negotiated settlement. Unlike Cyprus, the leaders of the white minority and black majority parties, Smith and Mugabe, had developed what seemed to be a favorable interpersonal relationship. Elliott described the efforts to promote reconciliation by arranging informal meetings. The result was increased understanding of each other's dilemma. The increased understanding translated into a positive atmosphere for the formal negotiations, providing an example of a successful link between diplomatic tracks.

Another difference between the Zimbabwe and Falklands situations provides further insight into the decision to negotiate or to fight. None of the parties in Zimbabwe perceived further gains from military actions. In contrast, Argentina judged that the use of force would pay off. This decision was due largely to a miscalculation. Convinced that the British would not fight to defend a principle, Argentina rejected an American proposal for negotiations. They were impervious to Haig's efforts to persuade them that the real choice was between the American proposal and defeat. Their lack of understanding of British resolve caused the "moment of maximum opportunity" to pass (see Gompert's evaluation of U.S. strategy in the Falklands case, pp. 72-78). These factors can be summarized in the form of a proposition:

> *IX. Deteriorated domestic conditions may lead to either negotiation or war; negotiation is more likely to occur if the deteriorated conditions affect all parties and if the principals can relate to each other by demonstrating an understanding of the other's plight and intentions.*

The cases provide insights into the impacts of third parties on decisions to negotiate. Three factors are the timing of mediation, the type of mediator, and decisions made by third parties. Timing was critical in the Falklands conflict. Haig's efforts bought time for the United Nations to accumulate facts about the conflict. While this served to delay the confrontation, it did not prevent war. The U.N. effort to mediate the conflict was too late; Argentina had already committed itself to a course of action. Adding to the problem was Argentina's perception of Haig's preferences. He failed to *appear* neutral while communicating British resolve to use force. However, neutrality may not be optimal and bias need not be dysfunctional. Carrington's apparent preference for the Muzorewa delegation worked in favor of a settlement. The "unfavored party," the Patriotic Front, saw advantages in this stance as one which could obtain concessions in their interests which they could not achieve on their own. These perceptions combined with proper timing for a mediated settlement contributed to the decision to attend the Lancaster House conference.

Decisions made by third parties often make a difference. The role played by the United States in managing the Cyprus conflict of 1974 contributed to further difficulties. Two mistakes were made. One was a decision to support the Greek junta which favored disposing of Makarios. Another was a failure to take advantage of the incentives to negotiate after the first Turkish invasion; a second invasion eliminated any chance of a negotiation. Similarly, U.S. sanctions imposed on Rhodesia were not effective. They had the unintended effect of reinforcing hard positions, driving the parties away from negotiation. Davidow observed that the economy was able to fall back on its own resources, diversify, and grow. These examples illustrate the point that to be effective, leverage must be used skillfully. This observation can be stated in the form of propositions.

X. Third-party influence can lead toward or away from a decision to negotiate.

a. To be effective, the intervention must occur before parties have committed themselves to courses of action.

b. To be effective, the intervention must take into account the perceptions of the parties; a biased approach may be appropriate to the extent that the mediator can persuade the other party that he can deliver the party toward which he is biased.

c. To be effective, the intervention must take into account the internal conditions within the countries; likely impacts of alternative actions should be assessed before a decision is made.

Sustaining the Negotiation

An effort made to appeal to the other's interests is regarded as a good strategy for keeping the negotiation process going. The emphasis here is on understanding, not conciliation. The best agreement is the one that serves *mutual* interests, and this often entails moving from perceived incompatibility to compatibility of interests. Parties must perceive advantages to potential agreements. And, this requires more than understanding; tactics must be designed to influence perceptions of "futures" that will unfold as a result of the agreement. The cases provide examples of tactics used during each of three phases of the process: stage-setting, give-and-take, and the end game. The two completed negotiations, Panama and Zimbabwe, contribute most of the lessons; the former highlights negotiator tactics, while the latter provides insights into a mediator-controlled process, as do further lessons drawn from the other cases.

Setting the Stage. The stage is set when the site is chosen and an agenda is established. These are tactical choices with implications for the course of the conference. Panama illustrates the value of changing venues from isolated settings early to proximity to capital cities late. Isolation is useful for the exploratory discussions needed to deal with conceptual issues. Bunker commented that "a major advantage in going to Contadora was to get away from the press . . . also, we wanted an atmosphere of relaxation, away from feeling pressured by our governments" (p. 14). Contadora and the F-Street Club meetings between the principals provided opportunities for "off-the-record" exploration. The understandings that resulted from these meetings enabled the delegations to move to more structured technical discussions that benefitted from access to the capitals.

Arguments can also be made for choosing a visible setting from the outset. The choice of Lancaster House for the Zimbabwe talks proved to be advantageous. It provided access to the world press, the parliamentary focus, and the propinquity of a politically supportive prime minister. More importantly, as Davidow notes, "by selecting Lancaster House, the British conveyed the impression that this was going to be the last conference on Rhodesia" (p. 173). The symbolic significance of Lancaster House may well have made a difference. Reluctant parties were impressed with the importance attached to these negotiations: the British were serious, the conference was visible, and a favorable, historic outcome was expected. These observations suggest two propositions:

XI a. Isolation is valuable at early stages when a common concep-

tual ground is being sought; it is less valuable during the later stages when technical issues are being discussed.

XI b. Historic, visible settings have symbolic significance; recognized widely as a "special place," these settings promote a serious atmosphere instrumental to achieving agreements.

Agenda setting is where the early action is. It is the activity where negotiators jockey for control of the conference. Unresolved competition over agenda issues can linger, preventing transition to substantive stages. Shifting preferences among minipackages, interim solutions, and comprehensive settlements stalled negotiations on Cyprus and on Zimbabwe. The Turks attempted to use the proximity talks of 1984 to cut a wedge in the relationship between Athens and Southern Cyprus; Greece was not involved in these talks. Mediation could have helped at this juncture. It did help in the Zimbabwe case. The British insisted on their own centrality at the conference: Carrington chaired the conference and set the agenda. His control over the process accomplished several objectives. It eliminated competition among the parties over issue definition. It allowed the process to unfold according to a well-defined plan. And, it kept the parties in the game due in part to predictability and in part to promises of security and power-sharing irrespective of the outcome.

Control over the process permits a negotiator or mediator to execute a plan. The nature of that plan is what matters, and the cases offer examples of workable tactics. Evidence from experimental studies suggests that early "moves" establish a framework of expectations and regularities that condition subsequent "plays." Clearly-defined expectations were created by Carrington's limited objectives for the Lancaster House negotiations. The eight-point statement produced by Bunker and his Panamanian counterpart provided a broad framework that guided the later bargaining over details. And, the postponing of difficult technical issues in favor of easier, smaller issues served to demonstrate progress in both the Panama and Zimbabwe talks. The early agreements were considered a stage in a progression toward larger issues. By making discussion of later issues contingent on resolution of earlier issues, Carrington produced increasing commitment to the conference. By using concessions on the small issues as a tactic for eliciting concessions from the other on large issues, Denktash destroyed any chance of an agreement on the new version of the Cyprus minipackage.

The impact of early moves can be summarized by a set of propositions:

XII. Early decisions and accomplishments set the stage for later developments.

a. Early agreement on principles enables negotiators to proceed to a discussion of detailed, technical issues.

b. Early agreements on small issues are a basis for progress if the agreements are considered a stage in the progression toward larger issues.

c. Early concessions on small issues prevent progress if they are used as items for trade, to wit, for large-issue concessions.

Give-and-Take. Control over the negotiation process enables a mediator or negotiator to execute a plan as Carrington did at Lancaster House. The plan can be regarded as a package of tactics designed to keep the parties in the game, as well as to increase their commitment to that game. The skill needed to execute *appropriate* tactics was demonstrated by Bunker and by Carrington. Both were sensitive to the aggravating effects of strong disagreements. Extreme proposals set in motion a spiral of rejections and counter-rejections as Denktash's "bombshell," a unilateral declaration of independence, illustrates. Bunker dealt with the problem of contrasting preferences by combining them into a broader arrangement referred to as a "collection of prime issues." Through his control of the agenda, Carrington was able to eliminate discussion of issues that were contentious in previous conferences. He also steered the parties toward moderate positions by isolating extreme members within each of the divided delegations.

By removing aggravating factors, a mediator reduces tension. This does not necessarily serve to build a momentum toward agreement. Other tactics may accompalish this goal, as illustrated by Carrington's approach. A "chain of successive commitments" was accomplished by the step-by-step approach where discussion of later issues depended on resolution of earlier issues. The message conveyed was that "too much has been accomplished to back out now." Other commitment devices used by Carrington consisted of threats and promises. His second-class solution was a threat of a separate deal if the negotiation broke down (a best alternative to a negotiated agreement). This was not simply a matter of developing other options as the Panamanians did to establish their power. It was an irrevocable commitment to action contingent on the other's behavior. Although credibility is an issue, it can be bolstered by actions taken outside the negotiation. Carrington's tacit bargaining with the press accomplished this purpose. These threats were balanced by promises made to the "favored party," including security guarantees and optimistic predictions of the negotiation outcome. All of this was done with sensitivity to face-saving considerations. Unlike the Falklands, leaks to the press were not premature; they did not reveal concessions that would convey signs of weakness. Unlike Cyprus, ultimatums were issued but not acted on.

Lessons learned by these tactics can be summarized by the following propositions:

XIII a. A negotiation process is sustained to the extent that aggravating factors are reduced: techniques for removing these effects include combining contentious issues into a broader package, eliminating discussion of contentious issues, and isolating the extreme members on the delegations.

XIII b. A negotiation process is sustained by increasing the parties' commitment to that process: techniques for increasing commitment include making discussion of later issues contingent on resolution of earlier issues, and developing credible alternatives to negotiated agreements balanced by predictions of a favorable outcome and a sensitivity to face-saving considerations.

Carrington's work at Lancaster House demonstrates the advantages of a carefully-designed plan. The cases also suggest advantages of procedural flexibility. Shuttle diplomacy was interspersed with conference diplomacy in both the Cyprus and Zimbabwe cases. The Cyprus proximity talks, organized in a shuttle format, were considered a step toward the eventual joint high-level talks. If this plan did not work, the secretary-general was prepared to revert to the previous minipackage, noncomprehensive format. The Anglo-American initiative in Rhodesia (1977-1979) consisted of a combination of shuttle and direct formats; if one procedure failed, the mediators were prepared to switch immediately to the other. These procedures are complementary. The shuttle format is likely to be more useful during prenegotiation phases and during crises: it gives the mediator more control over the process but also increases negotiator dependence on the mediator. The direct format is likely to be more useful when an agreement is being hammered out: it provides an opportunity for *joint* problem solving and induces commitment to the process and to agreements. And, for non-mediated negotiations, an opportunity for informal discussions during the formal phases can facilitate the process. Indeed, the informal meetings between Jordan and Lewis produced insights that led to breakthroughs in the Panama negotiations. Less dramatic but equally important is a more general function of alternative procedures. They allow the process to continue when progress toward a comprehensive settlement is stalled.

The advantages of procedural flexibility can be summarized.

XIV. Procedural flexibility increases a mediator's or negotiator's options: a shuttle format allows a mediator to explore for common ground; informal diplomacy allows a negotiator to probe for interests not apparent in the formal talks.

The End Game. Tactics used to sustain the negotiation process may not produce an agreement. Special attention must be paid to the end game, to closing the deal or to sealing the agreement. Care was taken in the Panama and Zimbabwe cases to insure that the momentum gained was not lost by mistakes made at the end. These cases suggest tactics that can be used either to avoid factors that stall the process or to structure perceptions favorable to an agreement.

Pressures to satisfy diverse interests are strongest during the endgame. The challenge for mediators and negotiators is to be responsive to those interests while preventing them from sidetracking the process away from an agreement. Three tactics are illustrated by Panama: maintain a balance between precision and ambiguity; do not attempt to resolve all the details and side issues, and prevent re-opening issues resolved earlier. A certain degree of ambiguity is advantageous. It permits latitude in interpretation when different audiences must be persuaded as in Panama. It produces the fast agreements needed to avert a crisis as illustrated by the Peruvian proposal made just as the war over the Falkland Islands began. Agreements are easier to obtain on general points than on details. The Panamanian and U.S. negotiators left some issues unresolved in the interest of an agreement. By reducing the number of details to be covered, the negotiators managed to prevent becoming overwhelmed by the task of drafting a treaty. Nor did they yield to the temptation of re-opening issues. By doing so, they would have risked exposing bureaucratic differences likely to surface in a new negotiation process. In fact, the chief negotiators on both sides colluded against allowing bureaucratic interests on either side to exert claims that would re-open resolved issues.

End-game tactics can be summarized by a proposition.

XV. An agreement is likely to occur to the extent that it is sufficiently ambiguous to appeal to diverse audiences, that it does not depend on resolving all issues, and that it is not subject to approval by all bureaucratic elements.

The tactics summarized above are intended to manage complexity that interferes with an agreement. They do not deal directly with resistances from the parties themselves. The parties must want an agreement, whether or not complexity is an issue. Sometimes they merely need encouragement, an "extra push." Other times they need assurances about an uncertain future. Both these problems were present at Lancaster House. The "extra push" was provided by dispatching Lord Soames to Rhodesia as governor while Mugabe and Nkomo hesitated about the final document. This tactic consisted of treating the eventual solution as a fait accompli, serving to encourage realization of the agreement. Assurances were provided by stating that they (the British) would protect the interests of the white minority. This included reinforcing the belief, held by each delegation, that in a fair election it would emerge victorious. Although regarded as a miscalculation for the losing groups, this belief may have been a turning point that led to the eventual settlement.

Tactics for dealing with resistances can be summarized.

XVI. An agreement is likely to occur to the extent that the parties perceive it to be in their best interest: such tactics as a fait accompli and optimistic predictions about the future can provide the needed incentives to settle.

Sustaining the Agreement

The test of a negotiated agreement is the test of time. Conditions following the negotiation attest to its success or failure. Improved conditions in Panama and in Zimbabwe indicate that these were successful cases. In Panama, the Canal is functioning effectively and efficiently, the "Canal issue" is dead, and there has been no need to renegotiate the treaties. The objectives of the treaties have been realized, namely, to keep the Canal open, efficient, and available to the commerce of the world. In Zimbabwe, the settlement restored peace, majority rule is virtually unchallenged, the constitution is intact, and there has not been a massive emigration of whites. Like Panama, there has been no need to renegotiate the settlement due largely to widespread acceptance of the election results and to a regime whose policies have been responsive to the sensitivities of the "losers." Of particular interest is the question, why have these agreements worked so well?

Actions taken during the negotiation, and performance after the negotiation, can influence the long-term prospects for an agreement. Earlier, the concept of "ripe moments" was discussed. Both Panama and Zimbabwe were probably ripe for a settlement. However, it was also necessary to take advantage of these conditions. Lasting agreements are the result of both conditions and tactics designed to shape perceptions about the agreement and to build commitment to its provisions. The cases illustrate the importance of perceived legitimacy and a sense of responsibility for the agreements.

A key to the success of the Canal treaties was the decision to produce ratified treaties. The negotiation process was geared largely toward achieving this goal. Consensus building in the country and in Congress was a primary activity of delegation members and support staff, engaged in during and after the negotiations. Tactics included assigning a team to work closely with Congressional leaders while the negotiations were in progress, a massive public-relations campaign begun before the ratification period, and a Panamanian leader who remained in the background during the entire ratification period. These tactics served, respectively, to avoid surprising key Congressmen, to prevent cleavages that could have destroyed any chance of ratification, and to avoid confrontations between Torrijos and members of Congress. All of these efforts were guided by a clearly-defined goal held to unswervingly despite strong opposition in some pockets of Congress and in many areas of the country. The result was a treaty whose legitimacy has not been challenged by either side.

If legitimacy was the major problem for the Canal negotiators, then commitment to a new governing structure was the primary challenge for the British team at Lancaster House. A key to the success of the Zimbabwe settlement was the decision to achieve a comprehensive agreement. The process was geared toward achieving this goal. But, it also had the more subtle effect of committing all parties to the agreement, once achieved. A sense of responsibility for the outcome, and for its implementation, evolved gradually. It was less the result of specific tactics than of a general feeling engendered by the atmosphere. Carrington defined his "limited" goals clearly, kept all parties involved in each phase of the conflict-resolving process, and conveyed the impression that the British would assume the role of protector during the transition and beyond. Contributing to the atmosphere, these efforts induced a kind of "narcotic" effect on perceptions of the probable election outcome: recall that each party expected to be the winner.

Responsibility may, however, be an ephemeral quality. Expectations for a favorable election outcome were disappointed and the British did not remain in the role of protector after the transition period. Continued adherence to the settlement depended on the new regime's performance. And, to the surprise of many, Mugabe's policies are working, both in domestic and international relations. Davidow noted that a revolutionary movement's rhetoric is not necessarily an accurate indication of its actions once in power. Mugabe's moderation has served to create the reality of an independent nation, just as Carrington's earlier actions preserved the agreement through the difficult transition period.

These cases suggest that actions taken during the negotiation can influence perceptions and commitments instrumental to sustaining an agreement. The lessons learned from these observations are summarized in a final set of propositions.

XVII. Agreements are sustained to the extent that parties perceive them as being legitimate and are committed to their implementation.

a. Legitimacy can be increased by gearing the process toward a treaty that requires widespread acceptance for ratification.

b. Commitment can be increased by keeping all parties involved in each aspect of the negotiation process and by making assurances designed to reduce anxiety about the post-negotiation period.

Conclusions

The negotiator who operates in the arena of international politics must acquire an understanding of negotiating processes and tactics as well as the "ebb and flow" of broader relationships among countries. The cases make evident a fine line between negotiations and the conduct of international relations. For the theorist, a distinction between these activities serves useful analytical purposes. For the practitioner, a sensitivity to the way that the one penetrates the other is essential. The lessons presented in this chapter recognize both the distinction and the interplay between processes of negotiation and the influences on negotiation as these derive from the context of international politics.

While highlighting negotiation, our analysis acknowledges other forms of conflict management. Changed situations can result also from war, informal diplomacy, functional cooperation, and, simply, benign neglect. The war over the Falkland Islands resolved the issue for the winner, not for the loser: Britain is ready to talk about normalization of relations while Argentina continues to seek an understanding on sovereignty. Informal diplomacy, including track two efforts, can improve relations but long-term impacts are likely to depend on translating its results into negotiated agreements. The importance of informal diplomacy was illustrated in Panama (the F-Street Club meetings) and Zimbabwe (Smith and Mugabe meetings). The water project on Cyprus, described by Gunnerson, is an example of functional cooperation. Long considered a kind of panacea, joint projects or superordinate goals may increase overall cooperation but be limited to the areas of cooperation. Central issues may still have to be addressed in other forums. Finally, conflicts may dissolve through benign neglect. While preventing confrontations, isolation works only to the extent that the parties can afford to remain independent. On Cyprus, isolation is likely to be a short-term solution to the problems of the Greek and Turkish communities.

The changed conditions or atmospheres resulting from these forms of conflict management may provide incentives to negotiate. Indeed, they did help in the cases of Panama and Zimbabwe. And, continuing efforts at functional cooperation between the principals on Cyprus could well provide the atmosphere needed for meaningful negotiation. The gains made in managing conflicts must translate into settlements that move the parties closer to a resolution of their differences.

The cases provided a rich testing ground for lessons learned. The number and variety of lessons attest to the value of the material and the analytical exercise. Many of the lessons are new insights, not part of the "accepted wisdom" about international diplomacy. Among the more interesting insights are those concerning formal and informal diplomacy, conditions for negotiation, procedures, end-game tactics, and strategies for sustaining an agreement. Examples include the following.

- On dysfunctions of negotiation: Formal negotiations encourage parties to adhere to official positions, serving to reinforce competing claims for a settlement.

- On informal diplomacy: Informal diplomacy, including track two efforts, works best with non-official parties, but has less influence to the extent that official representatives are not a part of the process.

- On procedural flexibility:
  a. Maintain the team for continuity and experience; change the team for release from previous positions.
  b. Shuttle diplomacy works best during prenegotiation phases and during crises; direct talks work best during the phase where an agreement is being shaped.
  c. Isolated settings are best for early efforts to seek common ground and for late efforts to close the deal; central settings are better for dealing with the technical details on well-defined issues.
  d. Seek comprehensive agreements when it is possible to revert back to a discussion of smaller issues or packages.

- On conditions for negotiation: Negotiating from strength is neither necessary nor sufficient to bring the parties to the table; parties may choose to negotiate from mutual weakness (deteriorated conditions).

- On tactics:
  a. Some ambiguity on wording and non-resolution of certain sticking points may be advantageous during the end game when an agreement is being drafted.
  b. Tactics intended to commit parties to the negotiating process can also serve to commit them to the agreement: engendering a feeling of responsibility for the agreement by keeping all parties involved in each phase of the process is one tactic; projecting an acceptable image of the future is another.
  c. The decision to negotiate a treaty can help in sustaining the agreement; it confers legitimacy on the outcome.

More generally, we have learned that different procedures and tactics are effective at different stages. It was the combination of choice of technique and its skillful use together with a changing political context, recognized as favorable when it became so, that provided the key to success in Panama and in Zimbabwe.

Before concluding, it is useful to ask whether the lessons can be regarded as advice to practitioners. This question raises the issue of status of the lessons or propositions. Distinctions between hard and soft data, prescription and description, and foresight and hindsight are relevant. Clearly, the lessons are inferences from "soft" data, they are descriptive, and they derive from hindsight or retrospective analysis. For the practitioner, these are insights recovered from past experience. They alert him or her to pitfalls, and serve as an aid to planning. For the theorist, these are hypotheses to be tested in a more rigorous manner. For both, this exercise is a step in an analytical progression. The status of the lessons would be improved by cumulative work in two directions. One direction is to build on the accomplishments made to date with further case studies. Another is to move between the laboratory and the field as part of a multimethod approach.

Despite the diversity of the case material, the lessons learned are inevitably limited to those contexts. We need to evaluate the generality of our analysis. We need also to discover other lessons rooted in different contexts. Those contexts include the structural complexity of multilateral negotiations, the substantive complexity of arms-control talks, and the continuity of such extension negotiations as military base rights. These types of cases are part of a continuing agenda of examination for lessons learned. They will provide an opportunity to evaluate the generality of the lessons presented in this chapter. They will also provide an opportunity to examine, in some detail, processes and influences germane to those contexts.

APPENDICES

APPENDIX I

Biographical Notes on Speakers and Workshop Participants

Pauline H. Baker is the Director of PHB Associates of Washington, D.C., conducting research and consulting. From 1981 to 1984, she was a Research Scientist of Battelle Memorial Institute in Washington, and from 1977 to 1981, she was a professional staff member of the Committee on Foreign Relations of the U.S. Senate, serving as Staff Director of the African Affairs Subcommittee. In 1975-76, Dr. Baker was a Rockefeller Foundation Fellow, a post-doctoral position under the foundation's Conflict in International Relations Program. From 1965 to 1972, she was a Senior Lecturer on the faculty of Business and Social Studies of the University of Lagos in Nigeria. Her many publications include the forthcoming *African Armies* (co-edited with Major Bruce Arlinghaus), *The Economics of Nigerian Federalism* (prepared by Battelle for the Department of State), "Political Risk Assessment: Contrasting Perspectives of Zimbabwe," in *Political Economy of Zimbabwe* (forthcoming by Praeger), and "Is Southern Africa Becoming Another Middle East?" in the *Miami Herald*.

Diane B. Bendahmane, the co-editor of this volume, is a Washington-based writer and publications specialist with experience in international relations and development assistance. She has worked for the Carnegie Endowment for International Peace, *Foreign Policy* quarterly, A.T. International, the Peace Corps, and the World Health Organization.

Ellsworth Bunker was appointed Ambassador to Argentina by President Truman in 1951. It was the beginning of an illustrious diplomatic career in which Ambassador Bunker served both Democratic and Republican Presidents. He was U.S. Ambassador to Italy (1952), to India (1956-61) and Nepal (1956-59), and to South Vietnam (1967-1973). In 1962, at the request of the United Nations, he successfully mediated the dispute between Indonesia and the Netherlands over West New Guinea. In 1963, as consultant to the secretary of state, he worked out a disengagement agreement between King Faisal of Saudi Arabia and President Nasser of the United Arab Republic in the Yemen civil war. Ambassador Bunker served as U.S. Representative to the Organization of American States from 1964 to 1966 and was elected Chairman of the OAS Council in 1964. He played a major role in resolving the 1964 dispute between the United States and Panama and, as a member of the OAS ad hoc committee, was instrumental in reaching a settlement of the Dominican Republic crisis in 1965-66. Ambassador Bunker began service as Chief Negotiator for a New Panama Canal Treaty in 1963. Following the signing of the treaties in 1977, he worked actively for their ratification.

Robert A. Burns is the Counsellor for Press and Information of the British Embassy in Washington and head of the British Information Services in New York. From 1982 to 1983 he was a Fellow at the Center for International Affairs at Harvard. From 1979 to 1982 he was Private Secretary to the permanent under secretary of state at the Foreign and Commonwealth Office and head of the Diplomatic Service. From 1976 to 1978 he served in Bucharest as First Secretary, returning for the MBFR (Mutual and Balanced Force Reduction) talks in Vienna. Between 1972 and 1975 he was a member of the British delegation to the Conference on Security and Cooperation in Europe in Helsinki and Geneva. He has been a career member of the British Diplomatic Service since 1965.

John W. Burton served for many years in the Australian Public Service, in research posts in both the United Kingdom and the United States, and as a delegate to a variety of conferences. He was in the Australian Foreign Office from 1943 to 1947 when he became its Permanent Head. In 1951, he was appointed High Commissioner to Ceylon (now Sri Lanka). From 1943 to 1955 he was a delegate to such conferences as Food and Agriculture (1943), the International Labor Organization Conference (1944), the U.N. Charter Conference in 1945, and the Bandung Conference of 1955. Dr. Burton is currently with the University of Maryland.

Glen D. Camp serves as Professor of Political Science at Bryant College in Smithfield, Rhode Island. Prior to joining the faculty of Bryant College, Dr. Camp served as Associate Professor of Political Science at Fordham University and taught at New York University and Long Island University. Previously, he served as Assistant Information Officer with the U.S. Information Agency in Austria and Germany. Dr. Camp has published many articles in journals and periodicals including "Greek-Turkish Conflict over Cyprus" (*Political Science Quarterly*, Spring 1980).

Michael W. Clough is currently Assistant Professor and African Area Coordinator of the Naval Postgraduate School, a position he has held since 1980. He recently conducted a lecture series entitled "American Policy Towards Africa," sponsored by the U.S. Information Agency, held in Liberia, Zimbabwe, Lesotho, Mauritius, Madagascar, and Uganda. In 1983, he ran a similar lecture series, again sponsored by the USIA, in Portugal and Yugoslavia. He was also the conference chairman of "Future of United States-South African Relations" at the Naval Postgraduate School. In 1982, he conducted a conference entitled, "Continuity and Change in Africa in the

1980s," at the Naval Postgraduate School. Among Dr. Clough's many publications are forthcoming articles on Afrocommunism to be published by *Problems of Communism* as well as "Observations on the Zimbabwe Success" in *The United States and the Third World.*

Thomas R. Colosi is Vice President for National Affairs of the American Arbitration Association. He was formerly Deputy Director of the National Center for Dispute Settlement and has had a long career as a mediator and arbitrator. Mr. Colosi is co-editor of *Federal Legislation for Public Sector Collective Bargaining* (Washington, DC: International Personnel Management Association, 1975).

Domingo Da-Fieno is Minister-Counselor in charge of the Press Department of the Embassy of Peru in Washington, a post he has held since 1983. For three years prior to this position, he was Counselor of the Political Department of the Embassy. From 1979 to 1981 he studied at the Interamerican Defense College in Washington. From 1976 to 1977 he was Professor of the Diplomatic Academy in Lima, teaching History of Borders and History of International Relations.

Jeffrey Davidow is currently the Director of the Office of Regional Affairs in the Bureau of African Affairs of the Department of State. He is a career Foreign Service Officer who, from 1974 to 1976, served as a political officer at the U.S. Embassy in South Africa. From 1976 to 1978 he was desk officer for Rhodesia in the Department, attending the Geneva Conference on Rhodesia of 1976. In June 1979 he was sent as the first official American to take up residence in Salisbury (now Harare) since the closure of the U.S. consulate in that city in 1970. He remained there until mid-1982, serving as Deputy Chief of Mission of the American Embassy. Mr. Davidow spent the 1982-83 academic year as a fellow of Harvard University's Center for International Affairs, during which time he wrote: "Zimbabwe is a Success," *Foreign Policy*, vol. 49, Winter 1982-83; "Dealing with International Crises," The Stanley Foundation; and *A Peace in Southern Africa: The Lancaster House Conference of 1979* (Boulder, CO: Westview Press, 1984).

Jerome Delli Priscoli is a Senior Policy Analyst at the Institute for Water Resources of the U.S. Army Corps of Engineers. Previously he was a Senior Policy Analyst for the Program of Science and Technology at George Washington University and Senior Analyst for the BDM Corporation in McLean, Virginia. A specialist in bargaining and negotiations and conflict management, he served on the U.S. Department of State's Special Task Force on Alternative Methods of Dispute Resolution.

Welborn Dolvin is at present serving as Department of Defense Representative for Panama Canal Treaty Affairs as well as Joint Chiefs of Staff Representative for the Mutual and Balanced Force Reduction Negotiations. He holds the rank of Lieutenant General. From

1975 to 1978 he served as Deputy Negotiator for the Department of Defense for the Panama Canal Negotiations. General Dolvin's long career includes spending over 70 months in combat and serving 20 months as a battalion commander. In 1972 he was appointed commander of the U.S. Army Japan. During the Vietnam War he became Chief of Staff of the U.S. Military Assistance Command Vietnam, later assuming command of the United States Army XXIV Corps. In Korea, he commanded Task Force Dolvin which bore the brunt of the Chinese Communist attack in November of 1950, battles which were described in S.L.A. Marshall's, *The River and the Gauntlet* (Alexandria, VA: Time-Life Books, 1982). General Dolvin is the recipient of the Distinguished Service Cross, the Distinguished Service Medal, the Purple Heart, and the French Croix de Guerre, among other decorations and awards.

Daniel Druckman is currently a Program Manager and Senior Scientist at Booz Allen and Hamilton in Bethesda. Prior to this position, he was the Math Tech Scientist at Mathematics, Inc., and Director of the Social Psychology Program at a research institute in Chicago. He has taught at Northwestern University, the University of Illinois, and in the Conflict-Management Program at George Mason University. Dr. Druckman has published widely in the areas of negotiation, policy decision-making, political stability and regional politics, and simulation. Most recently, he published "Analysis and Strategic Planning (in S.J. Andriole's *Corporate Crisis Management*, Princeton, NJ: Petrocelli, 1984) and "Social Psychology and International Negotiation" (in R.F. Kidd's and M.J. Saks's *Advances in Applied Social Psychology*, Hillsdale, NJ: Erlbaum Assoc., 1983). His article on the Spanish military base rights negotiation is forthcoming.

Hugh P. Elliott is one of those responsible for the international programs of Moral Re-Armament and coordinates its activities in Africa. He is British and lives in London. Previously, Mr. Elliott served in the British colonial administration in Nigeria, 1934-1960. He was Permanent Secretary to various ministers and stayed on for seven years after independence as Advisor to the Government of Eastern Nigeria, 1960-1967. Since then, he has traveled extensively in Africa, primarily to support initiatives of Moral Re-Armament. He has paid several visits to Zimbabwe and has been concerned with developments there since 1975. As well as contributing to the Colonial Records Project on his experiences in Nigeria, Mr. Elliott has written many articles. He is the author of *Darkness and Dawn in Zimbabwe* (Grosvenor, 1978) and *Dawn in Zimbabwe* (Grosvenor, 1980). The latter is a brief account of some events that contributed to the success of the Lancaster House talks in London.

Mark A. Epstein was Scholar in Residence at the Center for the Study of Foreign Affairs in 1984. Prior to that, he was the Issues Director for the presidential campaign of Senator Ernest F. Hollings and was recently the co-chairman of a congressional staff delegation to West Germany. Dr. Epstein has spent considerable time in Turkey, and for two years was Research Associate with the Institute for Near Eastern Studies at the University of Munich. He has been the recipient of Humboldt, Fulbright and other fellowships, and has written books and articles on minorities in the Middle East.

Raymond C. Ewing was Ambassador to Cyprus from 1981 to 1984. Prior to this post, he served as Deputy Assistant Secretary of State for European Affairs (1980-81), Director of the Office of Southern European Affairs (1974-79), and Deputy Director of that office from 1976 to 1977. Ambassador Ewing also served as Counselor for Economic and Commercial Affairs in Bern (1973-75), Economic Officer in Rome (1970-73), in the U.S. Information Service in Lahore (1964-66), and as Political Officer to the U.S. Mission to the International Atomic Energy Agency in Vienna from 1962 to 1964.

Michael J. Flack is a consultant and lecturer and Professor Emeritus of International and Intercultural Affairs of the University of Pittsburgh where he served from 1958 to 1983 in the Graduate School of Public and International Affairs. He also taught at Tufts University, Vassar College, and the University of Oregon. Dr. Flack was the Founder and President of the International Society for Educational, Cultural, and Scientific Interchanges. He has written numerous books and articles on intercultural affairs.

John W. Ford is a retired Foreign Service Officer who had major assignments in Europe, the Far East, and Latin America. His Washington assignments included service as Executive Secretary of the Policy Planning Council during the Cuban Missile Crisis of 1962, and as Deputy U.S. Representative to the Organization of American States. In the latter position he served on the OAS Peace Committee of Seven Ambassadors which brought about a cease fire and troop withdrawals during the war between El Salvador and Honduras of July 1969. Since retirement from the U.S. government in 1975, Mr. Ford has been advisor to the secretary-general of the OAS.

Prosser Gifford is currently the Deputy Director of the Woodrow Wilson International Center for Scholars, a post he has held since January of 1980. From 1967 to 1979 Dr. Gifford was Associate Professor of History at Amherst College; from 1969 to 1979, he was also Dean of the Faculty. He was the Founding Director of the Five Year B.A. Program at Yale (1965-66), where he was an Assistant Professor (1964-66). Dr. Gifford was a Rhodes Scholar from 1951 to 1953 and a Foreign Affairs Fellow of the Ford Foundation in Northern Rhodesia from 1963 to 1964.

David Gompert is Director for International Marketing at AT&T International. From 1977 to 1983 he held several senior positions in the State Department: Deputy Director of the Bureau of Political-Military Affairs, 1977-81; Deputy Assistant Secretary for NATO and Southern Europe, 1981-82; and Deputy to the Under Secretary for Political Affairs, 1982-83. Mr. Gompert spent 1975 to 1977 as a Senior Fellow at the Council on Foreign Relations in New York where he wrote a number of articles on international security issues and was editor and principal author of "Nuclear Weapons and World Politics." He served as Special Assistant to Secretary of State Henry Kissinger from 1973 to 1975.

Charles G. Gunnerson is Environmental Engineering Advisor to the U.S. Department of Commerce's National Oceanic and Atmospheric Administration, responsible for a global research and development project on resource recovery. At the time of the symposium, Mr. Gunnerson was a Senior Project Officer in the Water and Urban Development Department of the World Bank. He was the manager of the World Bank's Project on Appropriate Technology for Water Supply and Waste Disposal and has worked as Director of the Great Lakes Regional Office of the U.S.-Canada International Joint Commission, Chief Sanitary Engineer of the UNDP/WHO Istanbul Water Supply and Sewerage Feasibility Study, and Deputy Director in charge of research operations with the Solid Waste Program of the U.S. Public Health Service.

Richard N. Haass was Deputy for Policy within the State Department's Bureau of European Affairs at the time of the symposium. He was also the Special Cyprus Coordinator, a post he was appointed to by the secretary of state in 1983. Prior to these positions, he was Director of the Office of Regional Security Affairs in the Bureau of Political-Military Affairs; Special Assistant to the Deputy Under Secretary of Defense (Policy Review); Research Associate at the International Institute for Strategic Studies, and both an intern and legislative assistant in the U.S. Senate. Dr. Haass is the author of *Congressional Power: Implications for American Security Policy* (1979) and shorter pieces appearing in *Daedalus*, *Survival*, the *Christian Science Monitor* and other journals. A Rhodes Scholar, he received the Department's Superior Honor Award in 1982 for his analytical work in the Bureau of Politico-Military Affairs.

Lawrence W. Jackley served in the U.S. Army for 38 years. He served two tours in Panama, first on the joint U.S. Southern Command staff, and, later, as Commander of the Army Forces in the Atlantic. From 1975 to his retirement in 1980, Colonel Jackley served as Special Assistant for the Panama Canal Treaties in the Office of the Secretary of Defense. During the treaty debate in the U.S. Senate, he represented the secretary of defense on the Vice President's Senate Task Force. He is currently working on a book evaluating the first five years of the treaty's implementation.

Lloyd Jensen is currently a Professor in the Department of Political Science at Temple University, a position he has held since 1978. He has taught both graduate and undergraduate courses in national security policy, comparative foreign policy, bargaining and negotiation, international organization, and international conflict and conflict resolution. Prior to this appointment, Dr. Jensen was an Associate Professor at Temple from 1971 to 1978. From 1968 to 1970, Dr. Jensen served as Director of the Patterson School of Diplomacy and International Commerce at the University of Kentucky. Dr. Jensen has performed research in comparative foreign policy, disarmament, and national security policy and has published widely in these areas. His most recent book is *Explaining Foreign Policy* (Englewood Cliffs, NJ: Prentice-Hall, 1982).

David T. Jones was the Principal Officer in Charge of Greek Affairs at the Department of State in 1984. In 1983, he was a Pearson Fellow in Congress in the Office of Senator Gary Hart. During the period of the Greek base negotiations, he was Ambassador Reginald Bartholomew's Executive Assistant and between July 1980 and October 1983, he served as the Cyprus Desk Officer. Mr. Jones also has seven years of experience in NATO affairs both at the U.S. Mission to NATO in Brussels and on the NATO desk. Earlier assignments include the Bureau of Intelligence and Research and Embassy Paris.

William J. Jorden is a writer and retired diplomat. He worked as a journalist from 1947 to 1961, principally for the *New York Times* as foreign correspondent in Japan, Korea, and the Soviet Union and as a member of the Washington Bureau. In 1962 he joined the State Department as a member of the Policy Planning Council. Later he served as a member of the American delegation to the Vietnam peace talks in Paris (1968-69), as assistant to President Lyndon B. Johnson (1969-72), and as U.S. Ambassador to Panama (1974-78). He recently published *Panama Odyssey* (Austin, TX: University of Texas Press, 1984), a history of the Panama Canal Treaties.

Robert V. Keeley, a career Foreign Service Officer at the rank of Career Minister, is currently assigned to the Foreign Service Institute's Center for the Study of Foreign Affairs, where he is writing a memoir of his service as Deputy Chief of Mission and Charge d'Affaires at the American Embassy in Kampala, Uganda, during the years 1971-73. Ambassador Keeley was the first American ambassador to the independent Republic of Zimbabwe, serving from June 1980 until February 1984. Prior to that assignment, he was a Deputy Assistant Secretary in the Bureau of African Affairs, responsible for southern and eastern Africa. Ambassador Keeley's career, which began in 1956, has been mainly focused on Africa, but he has also served in Jordan, Greece, and Cambodia. From 1976 to 1978 he was Ambassador to Mauritius.

Douglas Kinney is a U.S. Foreign Service Officer with specializations in European and Latin American politics. In addition to the Peace Corps in Upper Volta (now Burkina Faso), and the U.S. embassies in Mexico City and Rome, he has served in Henry Kissinger's secretariat, NATO affairs, Open Forum/Policy Planning, U.N. Political Affairs, and as Latin America Advisor to Ambassador Jeane Kirkpatrick at the U.S. Mission to the United Nations. As a Chapman Cox Fellow, Mr. Kinney is currently at Georgetown University's Institute for the Study of Diplomacy, where he teaches International Negotiation with Dean Allan Goodman in the School of Foreign Service. His book on the Falklands, *National Interest/National Honor: The Diplomacy of the Falklands Crisis*, was recently published (New York: Praeger, 1985).

Michael G. Kozak is Deputy Legal Advisor for the Department of State. He joined the Department in 1971 as Attorney-Advisor. From 1972 to 1973, he was in the Office of the General Counsel of the Panama Canal company. In 1978 he became Assistant Legal Adviser for Inter-American Affairs and in 1981 Assistant Legal Adviser for Near East and South Asian Affairs.

Stephen Low, a Career Minister in the United States Foreign Service, assumed his duties as Director of the Foreign Service Institute in June 1982. During the 1981-1982 academic year he was Visiting Professor in Political Science at the University of California at Santa Barbara. From 1979 to 1981, he was Ambassador to Nigeria, and from 1978 to 1979, he was Ambassador to Zambia, during which time he served as a member of the U.S.-U.K. missions to southern Africa, negotiating a resolution to the Rhodesia/Zimbabwe problem. From 1974 to 1976, Ambassador Low served as Senior Staff Member for Latin America on the National Security Council. He was the Country Director for Brazil from 1972 to 1974 following his assignment as Counselor at the U.S. Embassy in Brasilia from 1968 to 1971. Ambassador Low was a student at the National War College from 1967 to 1968, and from 1956 to 1967, he served in the State Department and in U.S. Embassies and Consulates in East and West Africa. He has published "The Role of Trade Unions in the Newly Independent Countries of Africa," Chapter 9 in *National Labor Movements in the Post War World* (edited by Everett Kassalow).

John W. McDonald, Jr., is Coordinator for Multilateral Affairs at the Center for the Study of Foreign Affairs. Previously he served in the Bureau of International Organization Affairs. From 1974 to 1978 he was Deputy Director General of the International Labor Organization in Geneva. Since returning to Washington from Geneva in 1978, he has carried out a number of tasks in the field of multilateral diplomacy. He was elected President of an INTELSAT World Conference on Privileges and Immunities, headed the U.S. Delegation to the U.N. World Conference on Technical Cooperation Among Developing Countries, served as Secretary-General to the 27th Colombo Plan Ministerial Meeting, and negotiated a U.N. Treaty Against the Taking of Hostages. He was made U.S. Coordinator for the U.N. International Drinking Water and Sanitation Decade, and was Coordinator for and U.S. Representative to the U.N.'s Third World Conference on Industrial Development. As Special Negotiator, he was named Co-Chairman of the Federal Interagency Committee for the U.N. Year of the Disabled (1981), and U.S. Coordinator for and U.S. Representative to the U.N. World Assembly on Aging (1982).

Leo J. Moser was Director of the Center for the Study of Foreign Affairs, Foreign Service Institute, from its founding until June 1985. He was formerly chief of mission of the U.S. Embassy in Vientiane, Laos. A Soviet area specialist and Chinese language officer, Moser has been with the Foreign Service since 1954. He is currently Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Ambler H. Moss, Jr., is Counsel with Greenberg, Traurig, Askew, Hoffman, Lipoff, Quentel and Wolff in Miami and Adjunct Professor of International Studies at the Graduate School of International Studies at the University of Miami in Coral Gables. From 1978 to 1982, he was Ambassador to Panama and from 1979 to 1982 was U.S. Member to the U.S.-Panama Consultative Committee. In 1977 he was a member of the U.S. Negotiating Team for the Panama Canal Treaties of the Department of State. Prior to that he served in the Department of State as Deputy Assistant Secretary of State for Congressional Relations (1977-78), Spanish Desk Officer (1969-70), Special Assistant to the U.S. Ambassador to the Organization of American States and a member of the U.S. Delegation to the OAS (1966-69), and Vice Consul, U.S. Consulate General, Barcelona.

Jose Maria Valentin Otegui has served as Counselor for Public and Security Affairs at the Embassy of Argentina since 1982. Prior to that position, he served at the Office of the Under Secretary for Foreign Affairs in Buenos Aires from 1980 to 1981. From 1974 to 1980, he was with the Argentine Permanent Mission to the United Nations in New York. He has been a delegate to a variety of conferences, among them the 10th General Assembly of the Organization of American States in 1980, and to the First Meeting of the Non-Aligned Countries Coordinators in the Field of Peaceful Uses of Nuclear Energy in Buenos Aires in 1980. He was Assistant Professor at the National University of Buenos Aires between 1966 and 1970.

David H. Popper retired from the U.S. Foreign Service in 1980. From 1977 to that date he had served as Coordinator and Special Representative of the Secretary of State for Panama Canal Treaty Affairs.

Prior to these assignments, he was Ambassador to Chile, Assistant Secretary of State for International Organization Affairs, and Ambassador to Cyprus. In the mid-1950s, Ambassador Popper was assigned as Deputy U.S. Representative to the international organizations which had their headquarters in Geneva. He served subsequently as Deputy U.S. Representative to the Conference on Discontinuance of Nuclear Weapons Tests in Geneva and as Senior Advisor on Disarmament to the U.S. Mission to the United Nations in New York. Since his retirement, he has served as a consultant to the State Department and as Adjunct Professor at the Georgetown University School of Foreign Service.

Michael Rhode, Jr., is the Secretary of the Panama Canal Commission. As Secretary, he works closely with the Commission's Board of Directors on development of policy for the Commission. He is also the Congressional liaison officer, coordinating closely with members on legislative oversight and appropriations matters. Colonel Rhode was formerly the Military Assistant for Panama Canal Affairs for the Assistant Secretary of the Army. He was very much involved with preparation and coordination of the legislation implementing the Panama Canal Treaty of 1977. In prior military assignments, he was Commander of the U.S. Army's Fourth Missile Command in Korea and Congressional liaison representative with the U.S. Senate for the Secretary of the Army.

Hilliard Roderick was most recently Distinguished Visiting Tom Slick Professor of World Peace at the LBJ School of Public Affairs at the University of Texas in Austin from 1982 to 1983. Prior to that position, Dr. Roderick served from 1981 to 1982 as a consultant to the Federal Republic of Germany, preparing international cooperation programs to identify hazardous chemicals. From 1979 to 1982 he was a Visiting Fellow at the Medical Research Center at the University of Sussex in England and from 1978 to 1980 he worked as a consultant to the Organization for Economic Cooperation and Development in Berlin. From 1971 to 1978, Dr. Roderick served as Director of Environmental Affairs at the OECD in Paris, leading a multidisciplinary team of professionals in policy analysis and negotiation of international agreements on environmental issues. He has published widely in the scientific area. He is co-editor (with Ulla Magnusson) of *Avoiding Inadvertent War* (Austin, TX: LBJ School of Public Affairs, 1983).

William E. Schaufele joined the Foreign Service as a Kreis Resident Officer in Germany in 1950. He subsequently served in Morocco, Congo (now Zaire), and Washington, D.C. He was Ambassador to Upper Volta (now Burkina Faso) (1969-71), the U.S. Mission to the United Nations (1971-75), and Poland (1978-80). Ambassador Schaufele was Assistant Secretary of State for African Affairs from 1975 to 1977. From 1980 to 1984 he was President of the Foreign Policy Association.

Margaret E. Scranton is Associate Professor of Political Science at the University of Arkansas at Little Rock. She is the co-author with Dr. William L. Furlong, of *The Dynamic of Foreign Policy-Making: President, Congress and the 1978 Panama Canal Treaties* (Boulder, CO: Westview, 1984). She received her Ph.D. in Political Science in 1980 from the University of Pittsburgh, where she specialized in International Relations and U.S. policy-making. Her dissertation research on Panama Canal treaty negotiations was supported in part by a Foreign Policy Studies Research Fellowship from the Brookings Institution.

Nina M. Serafino is currently an Analyst in Latin American Affairs at the Congressional Research Service of the Library of Congress, a post she has held since 1981. She is the co-author of a CRS Issue Brief on the Falklands/Malvinas crisis. Ms. Serafino lived in Chile from 1970 to 1972 and 1977 to 1980, where she was a free-lance reporter for *Business, Newsweek*, and ABC News Radio. She lived in Buenos Aires in 1976, working for the Buenos Aires Herald.

Nikolaos A. Stavrou is a Graduate Professor of International Affairs and Political Science at Howard University, where he also served as Associate Chairman and Graduate Program Director. Dr. Stavrou is the author of *The Historical Roots of Non-Alignment* (Lanham, MD: University Press of America, 1980) and "Political Parties of Albania" and "Political Parties of Bulgaria" in V. McHale, editor, *Political Parties of Europe* (Westport, CT: Greenwood Press, 1983) and of numerous articles published in *World Affairs, Intellect, Society*, and *Studies* (University of Athens). Dr. Stavrou is a regular contributor to the Athens dailies *To Vema* and *Kathimerini* on U.S.-Greek relations and Balkan affairs.

Philip H. Stoddard was the Director of the Office of Research and Analysis for the Near East and South Asia in the Bureau of Intelligence and Research from 1975 through 1978 and the bureau's Acting Deputy Director for Research from 1978 to 1979. He spent the academic year, 1979-1980, as the Department of State Fellow at the Council on Foreign Relations in New York City. After his return to the State Department as a member of the Senior Executive Service, he was the Deputy Assistant Secretary for Current Analysis to INR. In January 1983, Dr. Stoddard retired from the Department to become Executive Director of the Middle East Institute. His publications include a chapter on the Committee on Union and Progress in *The Conflict of Traditionalism and Modernism in the Muslim Middle East* (1966) and "Themes and Variations" in *Change and the Muslim World* (Syracuse, NY: Syracuse University Press, 1981), a work of which he was the principal editor.

James S. Sutterlin has been Director of the Executive Office of the Secretary-General of the United Nations since 1982. From 1974 to 1982 he was Director of the Political Affairs Division of the U.N.

Secretariat. He is also currently Adjunct Professor of Political Science at Long Island University. Mr. Sutterlin entered the Foreign Service in 1946, serving in Berlin, Frankfurt, Bonn, Tel Aviv, and Tokyo. In 1973 he was Director of the Planning and Coordination Staff and later became Inspector General of the Foreign Service. He received the Christian A. Herter award for Extraordinary Contributions to the Practice of Diplomacy in 1973.

Vamik D. Volkan is Medical Director of the Blue Ridge Hospital Division of the University of Virginia, Professor of Psychiatry of the University of Virginia Medical School, Director of the Division of Psychoanalytic Studies of the University of Virginia Medical Center, and Training and Supervising Analyst of the Washington Psychoanalytic Institute of Washington, D.C. He is also Chairman of the American Psychiatric Association's Committee on Psychiatry and Foreign Affairs. He was the first medical person to hold the office of President of the International Society of Political Psychology. Dr. Volkan has written many works on psychiatric as well as psycho-political topics. His book, *Cyprus: War and Adaptation*, was published in 1979 by the University Press of Virginia. *Immortal Ataturk—A Psychobiography*, written with Princeton historian, Norman Itzkowitz, will be published by the University of Chicago Press. In 1982 Dr. Volkan presented a series of seminars to analysts of the State Department which he is making into a book, entitled *The Need to Have Enemies and Allies—the Basis for Political Psychology*.

Bryant Wedge is Director of the Center for Conflict Resolution at George Mason University. He has taught at the University of Chicago and at Yale and George Washington Universities, the Foreign Service Institute, and the Fletcher School of Law and Diplomacy. He was a board member of the National Peace Academy Campaign and was one of its co-founders. Dr. Wedge has published books and scholarly papers on resolution of intergroup and international conflicts, including "The Case Study of Political Violence in Brazil and the Dominican Republic," in *World Politics*, January 1969, and "Intercession in Intergroup Conflict, *Journal of Applied Behavioral Science* 7, 1971. He received his medical degree at the University of Michigan Medical School, trained in psychiatry at Queen's Hospital in Honolulu, the University of Chicago, and Yale University, and studied political sociology and international relations at Yale and Princeton universities.

James H. Wolfe is Professor of Political Science at the University of Southern Mississippi. Mr. Wolfe visited Cyprus in 1979 and 1983 under the sponsorship of the State Department's Bureau of Intelligence and Research in order to prepare reports on the constitutional phase of the intercommunal talks. With the support of the government of Cyprus and Turkish Cypriot authorities, he interviewed political leaders and advisers on both sides of the issue. In

1964-65 and again in 1972-73, as a Research Fellow of the Alexander von Humbolt Foundation in Bad Godesberg, he studied in Munich where he developed an interest in the politics of multinational states in Central Europe. In 1978, under the auspices of the Cyprus Bar Council, he joined an international committee studying the constitutional and international legal aspects of the Cyprus question.

Richard R. Wyrough is the Coordinator for Panama and Canal Treaty Affairs in the Bureau of Inter-American Affairs, Department of State. As a member of the U.S. delegation that negotiated the Panama Treaties, he served as the staff coordinator for the delegation and senior adviser to Ambassador-at-Large Ellsworth Bunker. He played a prominent role in administration activities associated with the Senate's consideration of the Treaties. He joined the Department of State in early 1974 as a Foreign Service Reserve Officer. He was appointed to the Senior Executive Service in 1979. Prior to joining the Department Mr. Wyrough served in the United States Infantry for nearly 24 years, with combat command assignments in Korea and Vietnam. At home he specialized in political-military and national security affairs. He is the recipient of the Department of State's Superior Honor Award besides various military and foreign awards.

I. William Zartman is Professor of International Politics and Director of African Studies at the Johns Hopkins School for Advanced International Studies. He has taught abroad and has written several works on Africa and the Near East. On the subject of negotiation, he has edited or authored *The Fifty Percent Solution* (New Haven, CT: Yale University Press, 1983), *The Practical Negotiator* (with Maureen R. Berman) (New Haven, CT: Yale University Press, 1982), *Ripe for Revolution: Conflict and Resolution in Africa* (New York: Oxford University Press for the Council on Foreign Relations, 1985), and *International Negotiation in Theory and Practice* (with Saadia Touval) (Boulder, CO: Westview Press for the Foreign Policy Institute, Johns Hopkins University, School for Advanced International Studies, 1985).

APPENDIX II

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APPENDIX III

CASE STUDIES IN INTERNATIONAL CONFLICT MANAGEMENT

A Framework Which Outlines the Stages of an International Negotiation

I. The Pre-Negotiation Phase

A. In placing the case study in an historical context, describe at what point each of the parties decided to seek a negotiated solution to the problem rather than to maintain the status quo.

B. How long was the pre-negotiation phase? Describe the obstacles to the decision to negotiate and what eventually precipitated the decision to act.

C. What internal and external influences were involved? Third parties? Did parties not directly involved try to slow down or speed up the pre-negotiation process?

D. To what extent did the parties agree on a definition of the problem and the shape of a possible solution? Did each party know what it would do if there was no agreement?

E. How did the U.S. define its own role? How was the U.S. position perceived by others?

F. Were there false starts or did each party have the political will to move into the negotiating phase the first time this was discussed?

II. Preparations for Formal Negotiations

A. Once a decision had been made to negotiate, what further decisions had to be made by the various parties before the negotiations could actually begin?

B. How was agreement reached on the terms of reference for the actual negotiations? Was the exact purpose of the negotiation spelled out?

C. How was it decided where and when the negotiations would take place and what form they would take?

D. Was this a mediation or a negotiation? If a mediation, did the mediator have to stimulate the negotiation process to get it started? Were third party "good offices" used?

E. What kind of staff support was necessary. Were there problems over who should attend; as delegates; as observers?

F. Were international organizations, non-governmental organizations or the private sector involved? What were their roles?

G. Was this negotiation to be part of a larger negotiating process? If so, what linkage with that process was necessary?

H. In the U.S. were the U.S. Congress, the White House or other agencies of the Executive Branch involved? Were there legislative restraints on the U.S. Team? How was the domestic political base for the negotiations established in the other countries involved?

I. Were the media aware of these preparations? Were they a factor to be reckoned with?

J. How did the parties structure themselves to prepare for the negotiations? Did the U.S. establish an in-house secretariat? Who was in charge? How were position papers written and cleared? Who developed the U.S. Scope Paper outlining U.S. policy, goals and objectives for the negotiations?

K. Who were the principal negotiators—what was their background, their experience with the subject? Who made up the negotiating teams? How were they selected? Were the teams politically "balanced"? How much authority did each team have—how much flexibility? What was the chain of command to Headquarters? Who wrote the instructions—could other channels of communication be used?

L. Were the negotiating teams well briefed before the negotiations started? Had members of individual teams worked together before? Had the teams worked out in advance proposals or counterproposals; in other words were they ready to start talking when they sat down at the conference table?

M. Were cultural differences between the parties understood by the U.S. team? Had they been taken into account? Were languages a problem? Were the teams staffed to cope with language differences? Were simultaneous interpreters used?

N. What informal contacts were made between parties during this preparatory phase? Had friends and allies of the U.S. been adequately informed of the U.S. position? Did they understand and support the U.S. or were they indifferent or even hostile? Did the United Nations play a role?

O. How long was this preparatory phase?

III. The Negotiations Themselves

A. Were there opening ceremonies? If so, did they have any impact on the mood or on the substance of the meeting?

B. Who actually attended? Was there a credentials problem? Were there unexpected observers? Who were the key players? What were their respective roles?

C. Was the meeting open to the public? What was the role of the media?

D. How was the Chairman, President or Mediator chosen? Were his powers agreed upon in advance? Was the chairmanship rotated? Were there other officers appointed or elected? What kind of a conference record was kept; by whom?

E. Was there a conference secretariat? What was its role? How was it formed; was it biased? Who paid for the secretariat and the other conference services?

F. Was there an agenda? Had it been agreed upon during Stages I or II? If there was no agenda, how were the issues handled; were the easy items taken first or last?

G. Explain the formal conference structure. Was there also an informal structure? How did they inter-relate? Were there committees, drafting groups, etc.? Was the structure used to the advantage of one or all parties? Did the structure help to achieve a constructive outcome?

H. Describe the setting, the atmosphere and the dynamics of the negotiation. Explain the ebb and flow, the peaks and valleys of the meeting. Many conferences start with enthusiasm and high expectations, then go downhill as reality sets in and positions become more widely known; then rise towards the end of the negotiation. Was there a pattern in this negotiation? Was that pattern predicted by the U.S. team?

I. Describe the tactics that were used as each party revealed its initial positions; its fall-back positions. Did the parties clearly and openly define their interests and objectives? Was pressure used to achieve goals? Were subterfuges used?

J. How much flexibility was built into the instructions? Was there actual give and take at the conference table by the negotiators or were all signals rigidly controlled by headquarters?

K. Was the geographical group system used? What communications techniques were used between groups and negotiating teams? Did U.S. tactics vary when dealing with friendly or unfriendly parties?

L. What were the intra-team dynamics? How did the U.S. team handle internal policy disagreements? Were daily team staff meetings used?

M. How was U.S. communications with Headquarters organized? Did the U.S. have formal telegraphic reporting requirements? How was the telephone used; the back channel? Was Headquarters backstopping adequate? How was it structured?

N. Were U.S. representation funds adequate to do the job? Were they used with skill? How did other teams, observers, etc., do in this area?

O. How important was the factor of time in reaching a conclusion?

If the negotiation was scheduled to end on a certain date, was this deadline honored? Did the parties use the clock as a negotiating tool?

P. Were the parties able to change each other's original positions? What concessions, real or perceived, were made by each party? Had instructions been exceeded?

Q. Was this a costly negotiation in policy terms; in dollar terms? Were financial or human resources committed in order to reach agreement? Was the lack of U.S resources a factor in the final outcome?

R. Was it possible to conclude the negotiations in one session? Did deadlines play a role?

S. What closure tactics were used in reaching consensus? Was there a vote?

T. How flexible and innovative were the various parties? How effective and how skillful were the negotiators; the teams?

U. If negotiations were not concluded, what were the reasons for this? Was any one team at fault? Who was blamed publicly, privately, for failure?

V. How was the final conference report handled? Was there a communique? Was the ending an emotional one?

W. What was the media's role on the outcome of the negotiations?

IV. The Post Negotiation Period

A. Did Headquarters understand and agree with the outcome? Did they believe they had been kept fully informed?

B. How many of the original U.S. goals and objectives were achieved? Were the strategies and tactics planned in the earlier stages seen as the right ones?

C. Was a comprehensive final report filed with Headquarters by the team leader?

D. If negotiations were not completed, were debriefings held within the U.S. government to analyze why this had happened? Was a determination made to hold another round of negotiations?

E. If negotiations were completed, were debriefings held to determine the next steps that should be taken to carry out the agreements negotiated?

F. What was the role of the U.S. negotiating team in helping to insure implementation of the agreed upon recommendations?

G. What had to be done to insure implementation? Was the White House involved? Was action by the Executive Branch all that was required or would the Congress have to be involved? Was domestic legislation necessary? Would the treaty ratification process be involved?

H. What domestic groups approved implementation of the negotiations? Were other groups in opposition? Was this dissent predicted?

I. Did the other parties to the negotiation have difficulty in implementing the recommendations for action?

J. Were any issues in the negotiation left unresolved that might jeopardize implementation? How long could one expect this negotiated settlement to last? How firm or fragile was it?

K. What lessons can be learned from this study about the art of negotiation? In brief, why was it successful or unsuccessful?

This framework was developed by John W. McDonald, Jr.

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